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Tuesday, March 18, 2003

THE HONOURABLE DAN HAYS
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, March 18, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SERBIA

ASSASSINATION OF PRIME MINISTER ZORAN DJINDJIC

Hon. B. Alasdair Graham: Honourable senators, the assassination of the courageous young Prime Minister of Serbia rocked the world last week. A brilliant, passionate anti-communist, Zoran Djindjic joined the Democratic Party in its founding days, and in 1997 he led three months of anti-Milosevic protests, which captured the imagination of freedom fighters the world over. In his country's darkest hour, Zoran Djindjic was able to unite Serbia's infant pro-democracy movement, ensuring a popular uprising that would sweep then-President Milosevic from power in October of 2000.

At the request of Prime Minister Chrétien, I had the privilege of representing Canada in Belgrade for Mr. Djindjic's funeral last Saturday. Hundreds of thousands of Serbs marched through the streets to pay their respects. The silent crowd that followed Prime Minister Djindjic's coffin was the largest since the street protests that toppled Milosevic two years ago. Many waved placards bearing a picture of the lost leader. The quotations on the placards had been taken from a speech that Mr. Djindjic had made only two weeks earlier — remarkably, after another unsuccessful attempt on his life. "Anyone who thinks they can stop the implementation of reforms and the rule of law by having me killed is seriously mistaken," the placards read.

As I listened at the graveside to George Papandreou, the Greek Foreign Minister, praise Mr. Djindjic's efforts to transform his country into a candidate for European Union membership, I thought, as a Canadian, of the compelling nature of his words. "Your death strengthens our will to make your vision a reality," he said.

There were many who compared the Serbian tragedy to the loss of John F. Kennedy nearly 40 years ago. Yet, while the tragedy has engulfed the nation, the structure and the system endure. There are many who feel that this final act of brutality will strengthen the will of a people who have suffered too much in the past, and strengthen their conviction to walk the long road to a better world for their children.

Honourable senators, as Serbia weeps, I think of Kennedy's ringing words and the difficult days to come. We must remember that the torch has now been passed to a new generation, tempered

by war, disciplined by a hard and bitter peace, and proud of an ancient heritage. All of us who have the privilege of living in free countries must be there to help them hold it high.

At the funeral, I had the privilege of personally expressing the profound sympathy of the Canadian people to the slain Prime Minister's courageous widow and her two young children, to ordinary citizens in the street and to a wide range of government leaders. While the country is feeling vulnerable at the moment, I sensed a fierce determination to carry on and ensure that all of the dreams of Djindjic would be realized.

I was very proud of our Canadian Embassy staff, led by the Ambassador to Serbia and Montenegro, His Excellency Donald McLennan. Honourable senators, we have promises to keep for the future of that country and for the good of the wider world community.

NATIONAL ARTS CENTRE

ATLANTIC SCENE

Hon. Donald H. Oliver: Honourable senators, I was honoured, as a senator from Nova Scotia, to attend the launch of Atlantic Scene at the National Arts Centre 12 days ago. Atlantic Scene is a large festival that showcases and celebrates Maritime arts and culture. The NAC President and CEO, Peter Herrndorf, who studied law in Nova Scotia, announced that the showcase, to be held in the National Capital Region from April 22 to May 4, 2003, will be the first in a series of biennial regional festivals that will celebrate the best of Canadian arts and culture from sea to sea.

The NAC, nightclubs, galleries and museums across Ottawa and Gatineau will stage 85 events involving 400 new and established artists from the East Coast during the festival. The Atlantic Scene line-up, which includes music, comedy, theatre and dance performances, readings from authors, film screenings and cooking demonstrations, truly had something to please everyone. There is even a kitchen party planned for May 3, which is sure to make displaced Maritimers feel nostalgic and to give non-Maritimers attending the festival a sense and taste of how things are in Atlantic Canada.

Several federal and provincial government departments and agencies have teamed up with corporate and individual sponsors to showcase the artists from Atlantic Canada. The \$1.5 million investment in Atlantic Scene is part of the NAC's mandate to promote arts and culture in Canada and abroad, and Peter Herrndorf has taken this mandate seriously. The Atlantic Canada Opportunities Agency, ACOA, and the Department of Foreign Affairs have made it possible for arts presenters to attend the festival and to seek out new talent and touring productions for audiences beyond the two-week festival.

CBC Radio and Television programmers are working with the NAC to cover the festival, thereby making it possible for Canadians outside the National Capital Region to experience the rich diversity of Atlantic Canadian culture. Two network specials will be created during the festival. One special will showcase the unique comedy created by Atlantic Canadians, while the other special will examine the lives of several of the festival's participants in greater detail as they travel and perform for audiences at home and abroad.

In conclusion, the arts and culture industries of Atlantic Canada are important facets of the region's economy, stimulating tourism and the export of artistic products from the area. A two-week showcase of this magnitude in the nation's capital provides an excellent cross-section of artists, writers and performers from each of the four Atlantic provinces and other Canadians and arts presenters to enjoy.

• (1410)

NUTRITION MONTH

Hon. Yves Morin: Honourable senators, this March, Canadians mark Nutrition Month with a new tool in their efforts to eat healthily: mandatory nutrition labelling requirements for pre-packaged foods. These nutrition-fact tables are some of the most advanced in the world. They list calories and 13 key nutrients that health professionals and consumers consider important to health.

[Translation]

For the first time, Canadians will be able to see, by reading food labels, just how the foods they choose can reduce the risk of heart disease, cancer, osteoporosis, and high blood pressure.

When this regulation comes into force, there will also be a public awareness campaign to help Canadians use this information to make informed and healthy nutritional choices.

[English]

Individual Canadians will be wiser and our health care system will benefit. Over the next 20 years, nutrition labels should save about \$5 billion due to reduced incidence of cancer, coronary artery disease, stroke and diabetes.

The nutrition labelling requirements are the culmination of a huge collaborative effort that began in 1998. Consumers, industry representatives, health care professionals and many federal and provincial government departments helped to create the regulations that will benefit all Canadians.

One nutrient of particular note that will appear in the nutrition label — and it is a Canadian success story — is trans fatty acid. Research has shown that this product of food processing increases the risk of coronary artery disease and can have detrimental

effects on cognitive development and vision in infants. One of Health Canada's own research scientists, Dr. Nimal Ratnayake, has contributed significantly to this research. He developed an internationally accepted method of analysis for trans fatty acids and demonstrated that their levels in Canadian food supplies were higher than those observed in other countries.

As a result of Dr. Ratnayake's research, voluntary labelling of trans fatty acids was introduced a number of years ago and has already resulted in a significant reduction in the Canadian food supply.

[Translation]

Honorable Senators, I invite you to join me in congratulating scientists throughout Canada, as well as those from Health Canada's Food Directorate. Their hard work made this great achievement possible, and Canadians are reaping the benefits.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of a delegation from the National Assembly of Zambia, headed by the Honourable Jason Mfula, Deputy Speaker. On behalf of all honourable senators, I welcome him to the Senate of Canada.

Honourable senators, I also have the pleasure of drawing your attention to the presence in our gallery of a group from the Children's Miracle Network. They are a remarkable and courageous group of children dealing with serious injury or illness and have been chosen as champions across Canada to travel to Ottawa and then to Disney World. On behalf of all honourable senators, we welcome them to the Senate of Canada.

ROUTINE PROCEEDINGS

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Donald H. Oliver presented Bill S-16, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Oliver, bill placed on the Orders of the Day for second reading two days hence.

POSSIBLE CLOSURE OF FISHERY FOR NORTHERN AND GULF COD STOCK

NOTICE OF INQUIRY

Hon. Joan Cook: Honourable senators, I give notice that on Thursday next, March 20, 2003:

I will call the attention of the Senate to a Position Statement presented to the Minister of Fisheries and Oceans concerning the possible closure of the fishery for Northern and Gulf Cod in NAFO Areas 2J3KL and 3Pn4RS.

QUESTION PERIOD

FOREIGN AFFAIRS

IRAQ—POST-WAR RECONSTRUCTION

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. Recently, the Leader of the Progressive Conservative Party, the Right Honourable Joe Clark, argued that while Canada may not be able to make a significant contribution in the war against Iraq due to our seriously depleted military, we could redeem ourselves by participating in the rebuilding of post-war Iraq.

Last night, in responding to the speech of President Bush, Foreign Minister Graham touted a similar line, saying that Canada would participate in the post-war building of Iraq.

Canada has tremendous experience in civilian-military cooperation in this regard in a host of countries around the world. Indeed, a contribution such as this would fit nicely with the government's expressed foreign policy emphasis on human security. A central tenet of the human security doctrine applies to Iraq in that in order to prevent another war in Iraq some time down the road, we will have to engage in a substantial amount of peace building with the Iraqi people as part of the post-war reconstruction of that country.

These types of operations, if they are to go right, take a lot of lead-time and careful planning. They take an extensive commitment of time and resources. Given that we do not know how long the war in Iraq will last, there is no time like the present to at least begin contingency planning. With war now imminent, have we begun to think about this?

• (1420)

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I am delighted to report that we are not only thinking about it, but that contingency planning has begun. The role for the Government of Canada in the post-war building of Iraq will be extremely important. The lead minister will be the Honourable Susan Whelan, Minister for International Cooperation.

In terms of rebuilding, I think it will be similar to the commitment of \$250 million made yesterday to Afghanistan as part of rebuilding that country. That money is in addition to the

\$116 million that was given in the fiscal year that will end March 31.

Senator Kelleher: Honourable senators, have we approached the United Nations to ask for their involvement in this regard?

Senator Carstairs: Honourable senators, I believe Kofi Annan has made it clear that he sees that as an ongoing and important role for the United Nations. It is clear from the position that we have taken with respect to the war, which may regrettably happen in 36 hours, that we want to be part of any multilateral effort. Obviously, we would be part of a U.N. effort in this regard.

UNITED STATES—LEGALITY OF WAR WITH IRAQ

Hon. Pierre Claude Nolin: Honourable senators, I wish to thank the government for the clarity of the declaration of the Prime Minister yesterday. For once, we had some clarity in that position.

Senator Robichaud: It was clear all along.

Senator Nolin: It was not very clear at all. Now it is clear.

Now that the Prime Minister has clearly stated the position of the government and we heard last night the statement of the President of the United States of America, has the government reflected on the legality of the position taken by the U.S. government?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not agree with the honourable senator when he says that the Prime Minister only brought clarity yesterday. I think the Prime Minister has shown dramatic and positive leadership on this issue from the very beginning.

Some Hon. Senators: Hear, hear!

Senator Carstairs: Our Prime Minister, over and over again, has indicated his support for multilateralism and his deep-seated belief in the United Nations and its processes. That makes me doubly proud, to be a member of the Liberal party and sit with members of a Liberal government.

As the honourable senator is aware, legal experts will argue both sides of the issue of whether this war is legal or illegal. A legal opinion from Great Britain today would indicate that it is legal. I am sure other legal scholars will argue that it is not legal. Clearly, there were two resolutions of the Security Council outlining the work that must go on in terms of disarming the Iraqi government. The decision made by the Canadian government was not made on the basis of legality; it was made on the basis of policy and our firm belief in multilateralism.

Senator Nolin: We must be clear. The Prime Minister has said that Canada would be part of the war if there were a UN decision to that effect.

Is the government on one side of the legal opinion or the other? On one side, there are those who say, as in the U.S., that there is total legality from the actual resolution of the Security Council. The other side says there is not sufficient legal support for a decision, based on the actual resolution of the UN council. To what side does the government lean?

Senator Carstairs: As I indicated to the honourable senator, the decision of the Government of Canada was based on a policy decision, not on the vagaries of legal opinions, which, as the honourable senator will know as a member of that extremely interesting profession, can give an opinion on almost everything. Five lawyers in a room together will quite often give five different legal opinions.

The reality is that the decision was not based on whether the issue was legal; the decision was based on whether it was good policy. The Government of Canada decided it was not good policy. What was good policy was to support the multilateral approach and the United Nations.

THE SENATE

DEBATE ON WAR WITH IRAQ

Hon. Marcel Prud'homme: Honourable senators, I attended the House of Commons debate yesterday. I will not hide the fact that I stood up and applauded vigorously, which was not according to the rules. I was not alone. I was in the company of a Liberal, but I do not want to embarrass my friend. I almost instantaneously became an independent Liberal yesterday; however, I will delay that pleasure.

I agree with the decision taken yesterday. After having listened to speeches until midnight last night, I was depressed and happy. I was depressed to see that the official opposition is not the government of the day. I was happy that Mr. Kenney, who spoke last, is totally out of touch with the reality of Canadian public opinion. I am totally in agreement with what took place yesterday in the House. I showed it by standing up and applauding three times with no shame, to the distress of the press. Thank God for the distress of the press.

Is there still time for the Senate of Canada to vote on this issue? This house is, after all, the closest to the mother house and the British parliamentary tradition that I have defended since I was a little boy because I believe it is one of the best systems. The debate taking place in the British house today is the best example we can show to the world of people being able to stand up, speak up and be counted by having a vote on this issue. My preference, if it is not too late, would be to be able to do the same thing. Honourable senators know where my vote would rest.

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator is aware, a vote is to take place in the British house today. With the time change, I do not know whether it has been completed or not. However, they are making a decision to go to war. We have made the decision not to go to war. In terms of any further debate we wish to have on Iraq, the resolution of the Honourable Senator Roche is still on the Order Paper. I would welcome any interventions by honourable senators on that motion.

UNITED NATIONS

WAR WITH IRAQ—EFFORTS TO RESTORE UNITY

Hon. Douglas Roche: Honourable senators, I put my question in the context of the deep appreciation that many Canadians feel for the government having made a correct and courageous decision in deciding that Canada would not participate in the war in Iraq. I ask the minister if she would convey this appreciation to Prime Minister Chrétien and Foreign Affairs Minister Graham.

Given that the United States is crucial to almost all of our foreign relations and that the United Nations is a cornerstone of foreign policy, what steps is the government taking to ensure that the unity of the United Nations can be restored as quickly as possible, with the full participation of the United States?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I will be delighted to take his remarks of appreciation to the Prime Minister.

As to his question about unity within the United Nations, that is exactly what our ambassador representing the Government of Canada has been doing over the last few weeks. He has, on at least two different occasions, proposed compromise motions that, it is hoped, would preserve the unity. That the Government of Canada is already looking at post-war Iraq and will work with the United Nations on that endeavour is a singular way in which the nations can come back together following this war, should it occur, and I think we all think it will. That is where the unity will have to begin, and Canada will be very much a playing partner in that process.

NATIONAL DEFENCE

WAR WITH IRAQ—WITHDRAWAL OF ACTIVE MILITARY SUPPORT—EFFECT ON EFFORTS TO PROMOTE INTERNATIONAL LAW

Hon. A. Raynell Andreychuk: Honourable senators, as I understand the Canadian government's position, it is based on policy and not international law. I would therefore ask, based on policy, will we withdraw any active support for the war? That is where good public policy, based on what the government has said, would lead us. Therefore, there would be no ships in any ancillary or indirect role, no aid in any manner at all, and all our troops now involved with either British or American troops would be withdrawn.

If the Leader of the Government in the Senate's position on respect for international law is correct, as I heard it stated here earlier today, what will this do to the position that we have been putting forward for an international rules-based system, the International Criminal Court, the respect for the Kyoto Protocol, the respect for the land mines treaty, and for a whole host of terrorist legislation, 12 pieces in all, that is squarely based on compliance through international law? Are we to believe that international law is so flexible that these are of little importance?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator first asked a question with respect to active support. The honourable senator is aware that there are Canadian ships in the Persian Gulf. They are participating in the war against terrorism. They will not be an active participant in the war against Iraq. The honourable senator is also broadening that question to deal with the issue of the exchange officers. There are, in fact, 31 exchange officers at the present time. They will remain at all times under the command of our Chief of Defence, and they will not be allowed to participate in an active way in this war with Iraq.

In terms of the honourable senator's other question, she well knows that the United States has not chosen to be a part of many of those international obligations that we, in this country, have accepted, whether it is the land mines treaty or the Kyoto accord or the International Court of Justice. That is deeply regrettable. It is my hope that, in the future, they can choose to become part of those international obligations. That, quite frankly, in no way will change our opinion. We are committed to these international treaties and obligations.

Senator Andreychuk: Honourable senators, my question had nothing to do with the United States and their respect for international law; it had to do with Canada's respect for international law. We have always based our movements in the international sphere on international law, because the underpinning of the United Nations is the rule of law. From what I understand, the position taken on whether, in fact, this war is justified has little relevance to international law and is simply a public policy issue, public policy often being of self-interest. My question is: If we did not give any weight at all to the international legal system, what signal are our actions and justification today giving to the rest of the world and those who are errant and who do not sign conventions?

Senator Carstairs: Honourable senators, we made it clear from the outset that we expected explicit authorization for the use of force to come from the Security Council. The Security Council did not take that explicit step, and that is why we are not part of this war.

FOREIGN AFFAIRS

UNITED STATES—LEGALITY OF WAR WITH IRAQ

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. It is supplementary to Senator Nolin's question. It may sound frivolous, but it is not. I wonder if the leader is aware of any war that has ever been started by anyone, anywhere, that was legal.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, if the honourable senator were to examine the preliminary clauses of the Charter of the United Nations, he would learn that there are some justifications for war, justifications which would make it legal, one of which is a war in which you are attacked and you respond.

Senator Banks: Honourable senators, the question was based on "started," not "declared."

Senator Carstairs: Honourable senators, I can say it is one thing to talk about starting, but in general terms and legal terms, one does declare war. One can look back at Canada's participation in World War I and World War II. In World War I, because of our Constitution of the day, we were at war virtually because it had been declared by the United Kingdom. In the Second World War, because the Statute of Westminster passed in 1931, we had a lag time that was quite deliberate on the part of the Government of Canada. We waited, I think, six days before we declared war so that it would look like a Canada declaration of war and not a United Kingdom declaration of war.

NATIONAL DEFENCE

LEVEL OF ALERT AS A RESULT OF TERRORIST THREATS

Hon. J. Michael Forrestall: Honourable senators, I want to pursue the point that Senator Banks and Senator Nolin have started. Incidentally, please assure the Prime Minister that Senator Roche's observations are not the unanimous observations of this chamber. I think Senator Banks is right in that there is quite a difference between attacking unprovoked, for your own reasons, your own ends, and defending yourself. We all recognize that difference, and I wish to ask a few questions in that regard.

Have the Canadian Forces, the RCMP and CSIS been placed on a higher state of alert due to new threats of al-Qaeda and some of its allied groups and the coming conflict with Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, there has been no change in the state of alert in Canada. As the honourable senator knows, the Americans have gone to a higher level. They had been at that level and had dropped back. They have now returned to that level. They are not at their highest state of alert, as I understand, which would be red; I believe they are at orange at this particular point in time. There has not been, to the best of my knowledge, a similar change in attitude in Canada.

Having said that, I think that the Canadian Forces, the RCMP and CSIS have all been very attuned to the world situation since the events of 9/11, and we are all in a higher state of alert since that time than at any other time in our history, other than when we were at war.

Senator Forrestall: Honourable senators, I was asking in the context of the last 72 hours or so.

Honourable senators, the Croation member of the tri-presidency of Bosnia has warned that al-Qaeda operates out of Bosnia. There is a suicide attempt warning against coalition warships in the Persian Gulf, the Horn of Africa and the Arabian Sea. A Canadian has already been killed in Yemen. Has the government raised the threat against Canadian Forces personnel deployed outside of this country in the last 72 hours?

• (1440)

Senator Carstairs: The honourable senator is always so well informed that I suspect he knows that there have, in fact, been some deaths in Yemen: one American, I understand, one Canadian, and one Canadian injured. It would be premature to say they were direct terrorist acts because there is no proof of that, but clearly the situation has raised concerns.

I suspect the honourable senator is referring more to the ships in the Persian Gulf, because the vast majority of our troops are presently in that theatre. They are all on a high state of alert, as they have been and continue to be part of the war on terrorism. That is the very reason we should remain there, because terrorists who may be in that region, not just Iraq, may well use this opportunity to try to find safe havens elsewhere. Part of our reason of having our ships there is to prevent that from happening.

Senator Forrestall: Honourable senators, in fact, Canadian naval warships are escorting British and American surface traffic up through that area to their staging grounds. When one escorts someone, it seems to me one is taking sides, that one is involved. Thank God we are a little bit involved.

UNITED ARAB EMIRATES— DEPLOYMENT OF PLATOON

Hon. J. Michael Forrestall: Honourable senators, I ask the leader why the government has, in the last day or two, deployed a platoon-plus of Canadian soldiers to the United Arab Emirates? Was there a reason that force protection was required in that region and, if so, for whom?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must tell the honourable senator that I do not have any specific information as to why that platoon has been placed there, if it has been, but I will try to obtain that information for the honourable senator.

WAR WITH IRAQ— USE OF WEAPONS OF MASS DESTRUCTION

Hon. J. Michael Forrestall: Honourable senators, I have one final question. Again, going back to what Senator Banks and Senator Nolin said, we are in a unique position in the world. France stated today that if the Iraqi regime used weapons of mass destruction against their neighbours or coalition forces, it would be prepared to join the war on Iraq. Since Canada has already turned its back on its traditional allies — the U.S., the U.K. and Australia — and sided with France at the United Nations, what will the position of the Canadian government be in the event the government of Iraq, as has been suggested could happen, uses forces of mass destruction? I do not necessarily mean nuclear forces; I mean chemical or biological warfare, as it presses southward to the point of embarkation for the United States and its allied forces?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the United Nations clearly would have an emergency meeting if weapons of mass destruction — which have never been clearly proved to be in the hands of the Iraqi government — were deployed. You may then have a Security Council decision that it

was not able to come to earlier. In any case, we have committed ourselves to the decisions of the Security Council, and it will be on the basis of those decisions that we will make future decisions.

Senator Forrestall: Is that the case even if it takes a month?

CITIZENSHIP AND IMMIGRATION

BACKLOG IN PROCESSING FILES

Hon. Consiglio Di Nino: Honourable senators, on another topic, Federal Court Judge Michael Kelen ruled last month that even though the Department of Citizenship and Immigration had extended to March 31 the deadline for applying new rules for skilled worker immigrants, the department had not done enough to process the backlog of between 80,000 and 120,000 files before the new rules took effect. Immigration officials have also stated that not all skilled workers on this list will be processed by the deadline.

Could the Leader of the Government in the Senate tell us how many applicants would have qualified under the old rules and what measures have been taken to process the outstanding number of immigrant applicants caught between the old and new rules?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator began his question, he talked about a decision of the Federal Court, which, of course, has been appealed. Therefore, I cannot comment on his preamble with respect to the judgment that has come down.

In terms of his other question, no, I do not have those numbers here but I will seek to obtain them for the honourable senator.

Senator Di Nino: Honourable senators, I appreciate that. I have a supplementary question. This is the latest example of the many serious problems within the Department of Citizenship and Immigration. In recent months, we have learned of a refugee board facing its highest caseload ever, a backlog in spousal immigration claims, confusion over a controversial new identification card, and other situations. Could the Leader of the Government in the Senate tell us what concrete steps the department is taking to deal with these obvious problems of mismanagement?

Senator Carstairs: Honourable senators, I do not agree with the honourable senator's statement that there have been mismanagement problems. We have a huge number of individuals who wish to come to this country, I think partly for the very reasons we heard yesterday, that Canada does believe in a multilateral approach and does believe in the United Nations and the decisions of the Security Council.

Having said that, there are clearly backlogs that need to be addressed. That is exactly the reason why the department was given substantial new monies, in order to reduce those backlogs.

Senator Di Nino: Honourable senators, surely a better answer than "We have given some money" would be appropriate to those tens of thousands of people who are out there caught in a trap that is not of their own making. Obviously, the Leader of the Government must have some plans or ideas to share with us with regard to some of the things that the department is doing to solve this problem.

Senator Carstairs: Honourable senators, the process is clear. Extra officers have been hired. They have been trained. They are working on a daily basis to reduce the backlog. The appropriate processes are in place. Sometimes those processes are long because, as the honourable senator knows, there are appeals. The government is working to deal with these individuals who desire to be either refugees in our country or landed immigrants through the landed immigrant process.

There are a great many people who want to come to Canada, and the department is doing the very best it can.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table four delayed answers, one to a question raised in the Senate on February 5, 2003, by Senator Oliver regarding Bill C-22, expenditures on advertising and training; one to a question raised in the Senate on February 5, 2003, by Senator Andreychuk regarding immigration; one to a question raised in the Senate on February 12, 2003, by Senator Stratton regarding the Canada Child Tax Benefit; and one to a question raised in the Senate on October 30, 2002, and February 12, 2003, by Senator Kinsella regarding Northern Ireland.

JUSTICE

DIVORCE LEGISLATION—EXPENDITURES ON ADVERTISING AND TRAINING

(Response to question raised by Hon. Donald H. Oliver on February 12, 2003)

The purpose of the Child-Centred Family Law Strategy is to help parents focus on the needs of their children following separation and divorce. It is composed of three pillars:

- Implementation of the legislative framework proposed in Bill C-22;
- Enhanced funding for family justice services; and
- Partial Expansion of Unified Family Courts.

Together, these three pillars will create a family justice system that:

- Minimizes the potentially negative impact of separation and divorce on children;

- Provides parents with the tools they need to reach parenting arrangements that are in the child's best interests; and
- Ensures that the legal process is less adversarial so that only the most difficult cases will go to court.

Not only will the Government be devoting \$63 million in new funding (over 5 years) to the provinces and territories for family justice services — the services needed to ease the conflict and stress that come with separation and divorce and help parents while they are making decisions about the care of their children — in addition, there will be funding of \$16.1 million a year for 62 new judges in order to expand Unified Family Courts.

Unified Family Courts improve outcomes for children and their families by simplifying the process, providing easy access to an array of family justice services and involving specialized judges who are experts in family law. Forty-six of these judges will be promoted from the provincial court level and the provinces will also be required to reinvest the money they save on their provincial judicial salaries in family justice services.

Overall, this is a much greater investment than the \$48 million (\$47.7 over 5 years). However, this funding is essential to the implementation of the family law reforms to the *Divorce Act* in Bill C-22, which will foster a cooperative approach to parenting after separation and divorce that focuses on the best interests of children.

Education and information about the new legislative reforms are a cornerstone of this strategy, which seeks to promote a child-focused perspective on the part of parents, professionals and judges. The Department of Justice will play a key federal role in the continuing development of the family justice system in Canada, by participating in activities supporting the evolution of child-centred family law in collaboration with the provinces and territories. The Department will serve as a resource for training and professional development, including producing extensive public legal education and information materials, not only for lawyers and judges, but also for parents, children and youth and front-line service providers. There will be a comprehensive communications strategy developed that will promote positive parenting and will serve to inform Canadians about the importance of the *Divorce Act* reforms. In addition, the Department will facilitate the exchange of information nationally and internationally and will operate a toll-free line to educate and assist the public.

This funding will also support activities to improve the national and international enforcement of support and custody orders. Further, research and evaluation will play a very important role during implementation, particularly in monitoring the legislative reforms and collaborating with the provinces and territories on evaluations of family justice services for families and their children. The funding will also provide the opportunity for Statistics Canada, through the Canadian Centre for Justice Statistics, to develop the necessary data and information sources that have been so lacking in the family justice area.

CITIZENSHIP AND IMMIGRATION

DENIAL OF APPEAL FOR LANDED IMMIGRANT
STATUS OF NIGERIAN FAMILY

(Response to question raised by Hon. A. Raynell Andreychuk on February 5, 2003)

This review considers elements of risk that a person might encounter if returned to their country. Persons who face removal from Canada are eligible to seek such a review. This procedure is in place to ensure that no one is removed from Canada when there are sound grounds to conclude that harsh or inhumane treatment might be incurred.

Other factors involving humanitarian and compassionate (H&C) concerns are not considered in such a review. Should a person wish consideration on such grounds then it is incumbent upon the family to file a separate application seeking such redress.

The issue of children's interest is a most serious one and is explicitly recognized in the new immigration legislation. However, immigration officers are instructed to keep in mind that the inclusion of the best interest of a child into the legislation does not mean that the interests of the child outweigh all other factors in a case. The best interest of a child is one of many important factors that officers need to consider when making an H&C or public policy decision. A final decision is based on a balanced assessment of all the important factors germane to a particular case.

CUSTOMS AND REVENUE AGENCY

NATIONAL CHILD TAX BENEFIT—
CLAWBACKS TO RECIPIENTS

(Response to question raised by Hon. Terry Stratton on February 12, 2003)

The Government acknowledges the difficulties which some low income Canadian families face. Budget 2003 makes a series of long-term funding commitments to support families with children, including \$965 million per year investments in the National Child Benefit (NCB) and \$965 million over five years for child care.

Budget Plan 2003 already recognizes the problem associated with the clawback and states: "Going forward, and building on the NCB initiative, the federal government and the provinces will need to ensure that low- and modest-income families with children have enhanced incentives to work and earn income. This will include examining the reduction or 'claw-back' rates for the CCTB as well as other elements of the tax and benefit structure that may affect incentives to work and earn income for low- and modest-income families."

FOREIGN AFFAIRS

NORTHERN IRELAND—WITHDRAWAL OF LOCAL
GOVERNMENT—EFFORTS TO FACILITATE
RETURN TO LOCAL GOVERNMENT

(Response to questions raised by Hon. Noël A. Kinsella on October 30, 2002 and February 12, 2003)

Canada's support for the Northern Ireland peace process is characterized by our engagement and support at many levels. The situation in Northern Ireland is a domestic matter. Canada does, however, play an active role in supporting the efforts of both the UK and Irish Governments to create a climate of trust and transparency between the parties to the conflict and to achieve lasting peace. The importance of Canadian support has been acknowledged on many occasions, including during the September 2000 visit to Ottawa of former Northern Ireland Secretary, Peter Mandelson, and during the visit of UK Prime Minister Tony Blair, in his February 2001 speech to a joint session of the Canadian Parliament.

An important element in Canada's approach to the Northern Ireland peace process is our promotion of high-level dialogue and contacts. Key parties frequently meet with Canadian ministers to discuss the peace process. The November 9, 2002 meeting in Toronto between Sinn Féin leader Gerry Adams and the Minister of Foreign Affairs, the Honourable Bill Graham, is a recent example. The November 10-12, 2002 visit to Ottawa by Jane Kennedy, the UK Minister of State for Northern Ireland is another. In such meetings, the Government of Canada has urged that all steps be taken to advance the peace process, including measures to strengthen or restore Northern Ireland's devolved institutions.

Canadian Parliamentarians play an important role in promoting dialogue. Groups like the Canada-Ireland Parliamentary Friendship Group and the Canada-UK Parliamentary Association have been particularly active in this regard. The June 2001 all-party visit of the Speaker of the House of Commons to Belfast and Dublin, and the return visit in September 2002 of a delegation of Northern Ireland parliamentarians led by the Speaker of the Northern Ireland Assembly have contributed to strengthening networks between our parliamentarians. In addition, staff of the Parliament of Canada have provided training on parliamentary procedures for their Northern Ireland Assembly counterparts, both in Ottawa and in Belfast, and efforts are being made to further develop exchanges between the two institutions.

Another example of Canada's support has been our financial contribution of more than \$5 million to the International Fund for Ireland (IFI). Projects supported by the IFI help build trust and cooperation between the communities. The IFI Wider Horizons program, whose training in cross-cultural relations is mainly conducted in Canada, has been particularly effective in this regard. The Department of Foreign Affairs and International Trade has also funded three community projects from its Human Security Program since 2000. The most recent project,

supported jointly by this program and by Bombardier, the largest private sector employer in Northern Ireland, was a two-day workshop carried out by Peaceful Schools International. PSI is a Canadian non-governmental organization dedicated to providing support to schools committed to creating and maintaining a culture of peace. The workshop brought together teachers, students, NGOs, members of the public and government officials in Belfast.

Canada can also take pride in the role played by our individual citizens, experts and organizations who play a vital role in supporting the peace process. Perhaps best known is General de Chastelain who heads the Independent International Commission on Decommissioning. But, there are numerous other Canadians who have been asked to lend their expertise, such as former Chief Justice William Hoyt of New Brunswick and Justice Esson of British Columbia on the UK Commission of Inquiry into the "Bloody Sunday" shootings by the British Army. More recently, retired Supreme Court of Canada Justice Peter Cory was appointed to head an inquiry into allegations of security force collusion in certain killings.

Canadians are also working on the initiatives to reform policing in Northern Ireland, an issue which is one of the main stumbling blocks to the re-establishment of the Northern Ireland Assembly. In 2001, retired RCMP Assistant Commissioner Al Hutchinson assumed the position of Chief of Staff for the Oversight Commissioner for Policing Reform in Northern Ireland, and he will assume the position of Oversight Commissioner in December of this year. He is supported in this work by two other Canadians, Bob Lunney and Roy Berlinquette.

Finally, sports and cultural activities are helping to bridge the gap between communities and build non-sectarian relationships. The Belfast Giants, a hockey team consisting mostly of Canadians and owned by Canadians, is now one of the most popular professional teams in Belfast. This has had a positive impact by attracting the interest and support of both communities.

[Translation]

Mathieu Lambert-Bélanger from Timmins, Ontario, is enrolled in the Faculty of Social Sciences at the University of Ottawa. His specialization is political science.

Welcome.

[English]

Dale Alexander of Mascouche, Quebec, is enrolled in the Faculty of Arts at the University of Ottawa. She is majoring in translation.

Welcome.

ORDERS OF THE DAY

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Ross Fitzpatrick moved the second reading of Bill C-3, to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act.

He said: Honourable senators, it is my pleasure, today, to present Bill C-3 for second reading, which amends the Canada Pension Plan and the Canada Pension Plan Investment Board Act. The measures introduced in this bill complete the investment policy reforms to the Canada Pension Plan, or CPP, that the federal and provincial governments initiated in 1997. The federal and provincial governments are joint stewards of the Canada Pension Plan.

Following a warning in the early 1990s by the Chief Actuary of Canada that the sustainability of the Canada Pension Plan was at risk if changes were not made, governments recognized the need for reform. The Chief Actuary predicted that the CPP's assets at the time — the equivalent of two years of benefits — would be depleted by 2015 and that contribution rates would have to increase to more than 14 per cent by 2030 if the plan was to be sustainable.

The Canada Pension Plan was established in 1966. Back then, the government came to the realization that Canadians were in need of a public pension plan that could be carried from job to job and province to province. The answer was the CPP, a compulsory earnings-based national plan set up jointly by the federal and provincial governments to which virtually all working Canadians contribute. The plan provides retirement income to those who have worked in Canada and contributed to the plan. It can also provide their families with financial assistance in the event of death and disability. It was designed to complement, not replace, personal savings and employment pension plans.

PHYSICAL ACTIVITY AND SPORT BILL

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-12, to promote physical activity and sport, to acquaint the Senate that the House of Commons has agreed to the amendments made by the Senate to this bill, without amendment.

[English]

PAGES EXCHANGE PROGRAM WITH THE HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before proceeding with the Orders of the Day, I wish to introduce the pages visiting us from the House of Commons.

[Senator Robichaud]

Honourable senators, the importance of the Canada Pension Plan to Canada's overall retirement income system becomes clear when we take note of the fact that the plan is one of the system's three supporting pillars. Canada's retirement income system is a blend of public and private pension provisions and considered by many to be one of the most effective ways of providing for retirement income needs.

In addition to the CPP, the other two supporting pillars are: first, the Old Age Security program, which provides public pensions for seniors and ensures all Canadians a basic income in retirement; and, second, the private component of this system, which includes tax-assisted, fully funded, employer-sponsored pension plans, registered retirement savings plans and other private savings.

The Canada Pension Plan worked well for 30 years. However, the Chief Actuary's warning that the sustainability of the plan was in jeopardy spurred the federal and provincial governments to release a discussion paper on the issue and to hold cross-country public consultations on the Canada Pension Plan in the mid-1990s.

In joint hearings from coast to coast, Canadians gave their governments a clear message: They wanted their governments to preserve the Canada Pension Plan by strengthening its financing, improving its investment practices and moderating the growing costs of benefits. Governments heard from a good cross-section of Canadians at these hearings, not just from one or two special interest groups. They heard from senior citizens, young people, social planning groups, pension experts, actuaries, chambers of commerce and from many interested and concerned Canadians.

Following the public consultations, the federal and provincial governments in 1997 adopted a balanced approach to CPP reform so that the plan could meet the demand of the coming years when the baby boomers would be retiring. These changes included a rapid increase in CPP contribution rates and building up a larger asset pool while baby boomers are still in the workforce, investing this fund in the markets at arm's length from government for the best possible rates of return, and slowing the growing cost of benefits through administrative and expenditure measures. All together, these measures ensured that a contribution rate of 9.9 per cent could be sufficient to maintain sustainability of the plan indefinitely.

Federal and provincial ministers concluded in their most recent financial review of the CPP in December 2002 that the plan is financially sound and is on track to provide retirement pensions in the future.

A key part of the 1997 reforms was a new market investment policy for the CPP. The Canadian Pension Plan Investment Board was set up in 1998 to implement this new investment policy. Established as an independent professional investment board, the mandate of the Canada Pension Plan Investment Board, or CPPIB, is to invest for contributors and beneficiaries and to maximize investment returns without undue risk of loss.

Prior to the board's creation, the investment policy for the Canada Pension Plan was for funds not immediately required to pay benefits to be invested in provincial government bonds at the federal government's interest rate. This resulted in an undiversified portfolio of securities and an interest rate subsidy to the provinces.

Now, under the new investment policy, CPP funds that are not needed to pay benefits and expenses are transferred to the CPP Investment Board and invested in a diversified portfolio of market securities in the best interests of contributors and beneficiaries.

Before turning to the specific measures in Bill C-3, I should mention that this new policy framework is consistent with the investment strategies of most public sector pension plans in Canada, including the Ontario Teachers' Pension Plan and the Ontario Municipal Employees' Retirement System. The CPPIB operates under investment rules similar for these other public sector plans. They require that pension plan assets be prudently managed in the best interests of CPP contributors and beneficiaries. Like other plans, the board is subject to the foreign property rule.

As honourable senators are aware, the CPP Investment Board is responsible for billions of dollars of retirement funds belonging to Canadians. It is imperative that the board be fully accountable to Canadians and the federal and provincial governments. It is also imperative that the retirement funds of Canadians be managed to the highest professional standards and at arm's length from governments, with experienced managers making investment decisions.

As many of my honourable senators know, the government's framework established for the CPPIB is designed to ensure full transparency and accountability. The board keeps Canadians well informed of its policies, operations and investments through quarterly financial statements, through an annual report tabled in Parliament, at regular public meetings in participating provinces, and through an informative Web site where it makes its financial results and investment policies public.

Full accountability is also assured through a process with strong checks and balances in place for identifying and appointing CPPIB directors. Directors are selected from a list of candidates identified by a nominating committee. The CPPIB has a strong board of directors with investment, business and financial experience. Independence from governments in making investment decisions is critical to both the success of the CPPIB and public confidence in the CPP investment policy. I believe it is worth noting that both the public and the pension management experts have indicated that they support the independence and quality of the CPP's Investment Board of Directors.

• (1500)

I will now turn to the specific elements of the bill that we are debating today. To begin, I remind honourable senators that the money invested by the CPP Investment Board today will be needed to help pay the pensions of working Canadians who will begin retiring 20 years from now. Under Bill C-3, all of the CPP assets that are currently administered by the federal government will be transferred to the CPPIB over a three-year period. These

assets include a \$5 billion cash reserve and a large portfolio of mostly provincial government bonds that is valued at about \$32 billion. These changes will mean that all CPP assets will now be managed by one independent professional organization. This move not only makes a great deal of sense but it also represents the final steps in the 1997 reforms of CPP investment policy.

Several benefits will ensue as a result of Bill C-3. First, consolidating all CPP assets under the management of one organization provides sound investment and risk management strategies for all CPP assets, and will put the CPP on the same footing as other public sector pension plans, thereby contributing to the sustainability of the CPP.

Second, according to the analysis of the Chief Actuary of Canada, fully investing all CPP assets in the market will earn a greater return, thereby producing a very large benefit in the order of an additional \$85 billion over 50 years for the Canada Pension Plan. This will add considerably to the soundness of the Canada Pension Plan and enhance the confidence of Canadians in their public pension plan.

Third, phasing in the transfer of the plan's assets over three years will help to ensure that the transfer is absorbed smoothly by the capital markets, the CPP Investment Board and provincial government borrowing programs.

The transfer of all assets to the CPPIB will lead to prudent, sound investment diversification as well as increased performance. I remind honourable senators that all provincial and territorial governments unanimously support the transfer of these assets to the CPPIB. Their support is important because any changes to CPP and CPPIB legislation must have their approval.

Honourable senators, I have mentioned that the CPPIB is responsible for establishing and fully disclosing its investment policies and for investing CPP assets while properly minimizing risk. Together with the 1997 reforms to the CPP, these new measures will ensure that the Canada Pension Plan remains on a sound financial footing for future generations.

The CPP reflects a national belief that retirement for working Canadians should not be a time of hardship. The CPP also captures the Canadian value of shared responsibility among contributors and governments to provide reliable support to working Canadians after they cease active work.

As I stated at the beginning of my remarks, Canada's retirement income system is built on three pillars. It is a blend of public and private pension provisions and it is considered internationally to be one of the most effective ways to provide for retirement income needs. In summary, allow me to review these pillars. First, there is the Old Age Security program that provides public pensions for seniors and ensures all Canadians a basic income in retirement. Second, there is the Canadian Pension Plan, the subject of today's debate, the national contributory pension plan that provides working Canadians and their families with income support at retirement and in the event of disability or death. Third, there are tax-assisted, fully-funded, employer-sponsored pension plans, registered retirement savings plans and other private savings.

[Senator Fitzpatrick]

The measures in Bill C-3 will only further enhance this retirement income system. I believe that the establishment of the Canada Pension Plan was one of the most important public policy initiatives ever undertaken. The measures in Bill C-3 will strengthen the system further and help the government to fulfil its commitment to making Canada's retirement income system secure for all Canadians. I urge all honourable senators to join with me in supporting Bill C-3.

On motion of Senator Stratton, for Senator Bolduc, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Corbin*)

Hon. Gérard-A. Beaudoin: Honourable senators, the purpose of Bill S-14 is to add an appendix to the act, which would include a combined version of the National Anthem of Canada, half French and half English. As our colleague Senator Kinsella has said, this does not involve any change in the words of our national anthem. They stay the same.

Sung in this way, our national anthem would constitute a fine example of the linguistic duality that has shaped our country and is an ongoing source of pride to Canadians in general.

Let us say a few words about our system of linguistic duality in Canada.

In 1999, Justice Bastarache indicated in *Beaulac* that it is appropriate to interpret language rights under section 16(1) of the Charter in the same way as other rights and freedoms with Charter guarantees, that is broadly, liberally, generously and purposively.

The concept of equality is not limited as far as language is concerned. On the contrary, French and English enjoy equal status, and that equality must be real if it is to have any meaning. According to Justice Bastarache:

This principle of substantive equality has meaning. It provides in particular that language rights that are institutionally based require government action for their implementation and therefore create obligations for the State... It also means that the exercise of language rights must not be considered exceptional, or as something in the nature of a request for an accommodation.

I would remind honourable senators that the *Beaulac* case centred on subsection 530(1) of the Criminal Code, which grants the accused the right to a trial in the language of their choice. This is not a procedural right, but a substantive right. The purpose of this right is to provide defendants who speak one of the two official languages equal access to the courts in order to allow them to protect their cultural identity. This right also applies for new trials, as is the case in question, because the defendant is in the same situation as he was for his first trial.

Justice Bastarache points out that the administrative drawbacks that may be entailed when this right is exercised are not appropriate factors to justify refusing it from being exercised. The Official Languages Act requires sufficient institutional infrastructure, and not simply the obligation to accommodate the defendant. This infrastructure is based on the equality of both official languages.

• (1510)

Finally, still in this judgment, refusing the defendant's request must be the exception to the rule and the onus to justify such a refusal rests with the Crown. Obviously, the later the request is made in the trial, the easier it is to justify a refusal. Currently, it is up to the trial judge to exercise his or her discretion as set out in subsection 530(4) of the Criminal Code.

That is the situation, as it exists in Canada, it lies at the very heart of our Constitution, with respect to linguistic duality. Some will say that this is very far removed from the national anthem. That is true.

Senator Prud'homme: Very far.

Senator Beaudoin: But these are linguistic matters nevertheless. I am suspicious of comparisons, because they can be deceptive. This is often mentioned in speeches, but we can also use it. Everything depends on the facts. It seems to me, and this is my point, that, in a bilingual federation, the national anthem should be sung in both languages at the federal level. This is part of our heritage and our linguistic rights are enshrined in the Canadian Charter of Rights and Freedoms. I do not think that this is asking too much from Canadians. We are not asking everyone to speak two languages, not at all. But the fact is that it exists. To some extent, the national anthem is sung partly in French and partly in English, and this is quite all right with most people. Personally, I am always somewhat distracted when I hear the person next to me singing in one language, while I am singing in the other language.

Senator Prud'homme: That is the beauty of the thing.

Senator Beaudoin: Let me talk. This situation can lead to cacophony, and this should be avoided when singing a national anthem.

To sing half of our national anthem in French and the other half in English, as Senator Kinsella explained, is definitely a very interesting idea. While we may agree or disagree with it, at least this bill reflects Canada's linguistic duality.

I think it should be passed. Amendments can be put forward, and I will be the first to consider them. It is not too much to ask in this country of ours, which has two official languages and two legal systems, to have a national anthem with one portion sung in French and another in English, not simultaneously but consecutively. I therefore agree with the principle of Bill S-14 and urge you to support it.

Hon. Marcel Prud'homme: Honourable senators, are you not concerned that a real "cacaphony" is precisely what is being proposed in the bill before us today? You are suggesting that everyone should be allowed to sing in either official language. Historically, that has been our wish exactly: that English Canada learn the "O Canada," which after all is a translation, while French Canada, and we in Quebec in particular, sing it as it was written.

The anthem by Sir Basile Routhier was not a translation. Let us leave that to English Canada. I am opposed to all of these changes: what is being proposed is a real "cacaphony." I would have much more to say on this. Senator Beaudoin just mentioned that we have two government systems and two legal systems. However, as far as I know, these are not mixed. We do not apply part of the Civil Code and part of the common law. The various points of view are put forward and a conclusion is reached. I would be terrified by such changes.

Does Senator Beaudoin recall the opposition of certain senators to the changing of a single word proposed in Senator Poy's bill? Incidentally, the proposed changes are supposed to provide clarity to this bill. I have put together some 200 pages of notes on all national anthems. When we look at the changes made in other countries, we invariably conclude that we are better off with what we have.

All the national anthems I will mention in my speech are precisely dated. When we get to the "O Canada," it says that it was adopted in 1980. As if, suddenly, 1880 or 1909 did not mean anything anymore. Having heard all the arguments, would Senator Beaudoin not be prepared to reconsider his position by the end of this debate? Do you not agree that we are headed for a real "cacaphony"? I can imagine how our fellow Canadians would react if they were asked to sing "la terre de nos aïeux." It is sad, because that is the original wording, but the emphasis would not be on that. I have listened carefully and I would like to know if Senator Beaudoin is not leading us to a real "cacaphony"?

Senator Beaudoin: First off, I must say that the word is "cacophony," according to the dictionaries.

Senator Prud'homme: I did it deliberately.

Senator Beaudoin: Yes, but you have no right to butcher the French language.

Senator Prud'homme: I was not butchering the French language. I was doing this on purpose because I knew that the senator would be quick to pick up on this word.

Senator Beaudoin: I will trust my colleagues' judgment.

Senator Prud'homme: Especially the translation.

Senator Beaudoin: Honourable senators, it is true that we are not required to learn two languages. I remember my years in classical college, when some things were said in French and other things were said in Latin. We were proud to be able to speak another language.

Canada is a wonderful country with its two universal languages and two legal systems. It is not too much to ask that 21 words be sung in French and 21 words in English. This does not diminish our enthusiasm for our national anthem.

If it can be proven that there is an error in Bill S-14, I will listen to the arguments to this effect and admit that I am wrong. But I have looked at it from all angles and have not found any errors.

• (1520)

I am willing to consider anything, having worked in law my whole life. If you can prove this is not the right solution, I will accept a better one. We are here to discuss things.

Senator Prud'homme: That is true.

Senator Beaudoin: We are simply going back to the original version of the national anthem, from before the First World War. It is not the end of the world. We are not changing the copyright, we are simply saying that men and women should be treated equally.

The finest section of the Constitution, section 28 of the Charter, stipulates that Canadian law applies equally to persons of both sexes. It is wonderful. Canada managed to apply the amendment when other countries did not. If the amendment to the Charter works for Canada, why would it not for the national anthem?

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable Senator Beaudoin's time has expired. Is the honourable senator seeking leave to continue?

On motion of Senator Corbin, debate adjourned.

[English]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: I would like to inform honourable senators and, in particular, Senator Poy that I will speak to this matter later this week. It will be this week.

Order stands.

[Translation]

VIMY RIDGE DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.—(*Honourable Senator Meighen*).

Hon. Michael A. Meighen: Honourable senators, I am pleased to have this opportunity to speak in support of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

I congratulate Senator Poulin for presenting this bill. From time to time, when our colleagues in the House pass a bill worthy of our support, we must congratulate them as well.

One need only read the "whereases" at the beginning of the bill to grasp the significance of this World War I battle for our fledgling nation. This was the first time Canadian troops fought together against a common enemy on foreign soil. It was certainly a turning point for our country, and the beginning of Canada's march towards nationhood.

[English]

We, who were not there, cannot imagine the horrors faced by our young soldiers. However, I believe, if anyone has ever captured this battle so that it will remain with us forever, Will Longstaff has done so in his painting displayed in the Railway Reading Room, depicting the ghosts of Canadian soldiers scaling Vimy Ridge.

A great deal of the credit for this victory goes to Major-General Arthur Currie, the Commander of the First Canadian Division at Vimy. The story goes that he instilled confidence in his men by sharing with them the objectives of the various battles they were to partake in and how these objectives would be accomplished. For example, Currie distributed maps to his troops, took them into his confidence, ensuring that not only were they to follow orders, but also they would know why the orders were given and would understand them as well.

The five-day battle on Vimy Ridge, fought, at least initially, in a sleet storm, resulted in the enemy being removed from the high ground. This was a feat that the French troops in 1915 and the British in 1916 had failed to accomplish. By the end of the battle, in which we were victorious, we had taken more ground, more guns and more prisoners than any previous British offensive. However, the cost was heavy, honourable senators — 10,000 Canadian casualties, 3,598 of whom lost their lives.

At that time and since then, Vimy has become a rallying cry for the country, a true symbol of unity. Westerners, Quebecers, Ontarians and those from Atlantic Canada fought shoulder to shoulder, wearing the same identifying “Canada” patch on their shoulders. They were all Canadians united in a common cause.

Our late Governor General Ray Hnatyshyn captured the feelings of all Canadians when he spoke during the ceremonies held in 1992 to commemorate the 75th anniversary of this battle:

The Canadian corps demonstrated a level of intelligence, skill, courage and teamwork that terrified the enemy, electrified our allies and sent a surge of pride and self-confidence through the Canadian population that has lasted to this day.

In 1992, I had the great privilege of accompanying Prime Minister Mulroney and a number of veterans of the battle to the ceremonies marking the 75th anniversary of Vimy. Again, in 2000, I had the honour to go to Vimy as part of the delegation that brought home the Unknown Soldier to be laid to rest just a short distance from here. Going there, admiring the beautiful monument, which is arguably the most awe-inspiring of its kind anywhere, instils a deep and lasting sense of pride in our country and in our history.

On July 3, 1921, on the occasion of the unveiling of the Cross of Sacrifice at the Thelus Military Cemetery on the slope of Vimy Ridge, a former prime minister and former member of this chamber, Arthur Meighen, spoke in these terms:

No words can add to their fame, nor so long as gratitude holds a place in men’s hearts can our forgetfulness be suffered to detract from their renown. For as the war dwarfed by its magnitude all contests of the past, so the wonder of human resource, the splendour of human heroism, reached a height never witnessed before...

France lives and France is free, and Canada is the nobler for her sacrifice to help free France to live. In many hundreds of plots throughout these hills and valleys, all the way from Flanders to Picardy, lie fifty thousand of our dead. Their resting places having been dedicated to their memory forever by the kindly grateful heart of France, and will be tended and cared for by us in the measure of the love we bear them. Above them are being planted the maples of Canada, in the thought that her sons will rest the better in the shade of trees they knew so well in life. Across the leagues of the Atlantic, the heartstrings of our Canadian nation will reach through all time to these graves in France; we shall never let pass away the spirit bequeathed to us by those who fell; their name liveth forevermore.

Honourable senators, it is important that Canadians are made aware of the history of their country. To that end, it is vital that we teach our young people about the sacrifices that have been made by previous generations of Canadians. Symbols do matter, honourable senators.

[Translation]

Honourable senators, I support C-227 without reservation, and I encourage you all to cooperate in order for it to be passed without delay, so that it may be proclaimed before April 9 of this year, the day I hope will become Vimy Ridge Day.

On motion of Senator Atkins, debate adjourned.

[English]

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Milne, for the second reading of Bill C-300, to change the names of certain electoral districts.—(Honourable Senator Rompkey, P.C.).

Hon. Bill Rompkey: Honourable senators, this is a bill like many others that have come before us over the years for the changing of names of certain constituencies in Canada. The M.P.s in question have consulted with their constituents and have brought forward these names as being more properly representative of the geographical and cultural realities of the ridings.

• (1530)

This is the second time that this bill has been approved unanimously by the House of Commons. It began as Bill C-141, which died because it did not make it through the legislative process before prorogation, and is now before us as Bill C-300.

It is true that boundary commissions are sitting. Some have reported and some have not. I believe that about half have reported. In some cases, even those that have reported have not seen fit to change the names of boundaries as suggested in Bill C-300. In any case, the boundary commissions, even those that have reported, are not finalized. There is an opportunity for M.P.s to ask for a review of the commission report and to make further suggestions to the boundaries commission. As a matter of fact, it is possible to delay those reports of the boundary commissions.

I would further point out that, even when the boundary commission report is adopted and the names are changed, no elections can be held on the basis of those new ridings for a year after the boundary commission has reported. If, by approving Bill C-300 now, we make changes to the boundaries in time for the next election, and if we approve Bill C-300, this is evidence that can be put before the boundary commissions for review.

I ask honourable senators to adopt this bill that we have received from the House of Commons. There are some amendments that will need to be made, in particular with regard to the name of the Kelowna riding. Senator Fitzpatrick intends to move a motion in committee to more properly reflect that. I think he has consulted with the member of Parliament in the House of Commons on that matter as well.

I would ask for your support, honourable senators, in passing Bill C-300.

Hon. Marcel Prud'homme: Honourable senators, I would like to ask a question. I have been working on this subject for 35 years and I have very strong views on the matter. You speak as though you are sure that the next general election will be held before July 1, 2004. If the election were to take place after July 2004, it would be under a completely new set of seats and names. I am of the opinion that there will be an election in April of 2004, as I said to the Banking Committee. However, we are now coming to the end of the day for changes on something that we cannot know will be put into effect.

If there is an election before the year 2004, the bill that you are proposing to us for consideration — and I follow that in the committee — will come into effect with all the expenses that this involves. The changing of a name seems to be easy, but there is a lot involved. New maps must be printed. Do you not think that we should leave it to the new commission that has already been established? Their report will go to the House, changes in names will take place there, and if there is an election, all these new names will be part of it. Furthermore, if there is an election before July 1, 2004, then it will take place using the actual map.

At this late stage, why are we changing names for only one election? That will only create more confusion for the electors, who must be already confused from being moved from one district to another.

I know the pressure. I was elected, as you were, but I think it is the duty of the Senate to reflect gently sometimes and to refuse certain expenses that are frivolous just for the sake of changing a name.

Senator Rompkey: Honourable senators, with regard to the timing, as I said this point has not come up recently. This bill had a previous life but just did not make it all the way through the process. With regard to the question of why now, this is a bill that has been around for some time.

With regard to the question of on what date will we have the election, all of the boundary commissions have not yet reported. Some reports can be delayed for six months, if the commissions request a delay. We have no idea when the reports of all the boundary commissions will be in and when they will be approved. Even after approval, it will be a year before an election can be held on those boundaries.

Why now? These changes come from both sides of the House, and the House has approved this bill unanimously. The members of Parliament have consulted with their constituents and these names better reflect the geographic and cultural realities of the ridings than the previous ones. That process has gone on for some time in the House of Commons. We are respecting the wishes of the people in those constituencies to have the names of their constituencies reflect their reality more accurately than it does at the present time. I hope the Honourable Senator Prud'homme will approve of that.

On motion of Senator Stratton, debate adjourned.

[Senator Rompkey]

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the Third Report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(Honourable Senator LeBreton).

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today to participate in the debate concerning the adoption of the final report of the Standing Senate Committee on Social Affairs, Science and Technology entitled: "The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform." I should like to take this opportunity to speak about developments in progress in the area of palliative and end-of-life care.

[Translation]

I would like to begin by congratulating Senators Kirby and LeBreton for their excellent work as Chair and Deputy Chair of the Committee. I also wish to thank all of the committee members for their efforts and their great devotion over the two years of the study on the future of health care in Canada.

[English]

During the course of its work, the Standing Senate Committee on Social Affairs, Science and Technology sat for over 200 hours, held 76 meetings and heard from over 400 witnesses. These statistics illustrate the extensive amount of time and effort put in by members of this place to produce thoughtful and thorough reports, not only on health care but also on a range of issues that, either directly or indirectly, affect the daily lives of citizens. Indeed, the Senate is one of the most effective public policy think-tanks in Canada.

Several of my honourable colleagues have already contributed to the debate, and I would like to thank them for their insight and contribution to the discussion. I would also like to invite all of those who wish to speak on this matter to do so.

• (1540)

I believe that we are currently in exciting times when it comes to health care renewal in Canada. In its budget 2003, the federal government stated that it would invest \$34.8 billion over the next five years to renew the health care system. This investment is aimed at improving the quality and accessibility of health care services and at ensuring the sustainability of this top priority of Canadians today and in the future.

In addition, the budget provides \$1.3 billion over five years to support health programs for First Nations and Inuit. Funding is a key step in fulfilling the September 2002 Speech from the Throne commitment to improve the life chances of Aboriginal people. We senators have a wealth of knowledge and experience to contribute to the discourse that will inform the federal, provincial and territorial governments as they work toward implementing the first ministers' Health Care Renewal Accord 2003. The accord, and the budget 2003, includes a five-year, \$16-billion health reform fund for the provinces and territories to target primary care, catastrophic drug coverage and home care, including short-term acute home care, community mental health and end-of-life care.

Federal, provincial and territorial governments are currently working on determining the core set of minimum services that will be provided under the health reform fund. Health ministers have until September 30, 2003 to agree on these services. It is important to note that because each province and territory has varying needs in respect of its populations and is at different stages of reform in each jurisdiction with respect to programs such as home care, there will be flexibility so that each province and territory will define its best way to meet the objectives of the health reform fund.

[Translation]

The Senate has already been studying the issue of palliative care and end-of-life care for some time now. It undertook its study of the issue in 1995 when the Special Senate Committee on Euthanasia and Assisted Suicide, of which I was a member, was struck. Under the chairmanship of Joan Neiman, this committee presented a number of unanimous recommendations regarding palliative care and end-of-life care in its final report, entitled "Of Life and Death." The recommendations included making palliative care more accessible, establishing standards of care and ensuring that health professionals receive improved training in palliative and end-of-life care.

[English]

In 2000, the Subcommittee to Update "Of Life and Death," as it was known, released its final report entitled, "Quality End-of-Life Care: The Right of Every Canadian." The committee recommended, above all else, the need for federal leadership and collaboration and the development of a national strategy to improve end-of-life care in Canada. The 2000 report was, in many ways, a call to action to support informal caregivers, to provide access to palliative and end-of-life care at home, to increase training and education for health care professionals, and to enhance research in the area of palliative and end-of-life care. The report also expanded on the concept of palliative care to include all end-of-life situations. This report was unanimously adopted in the Senate, signifying recognition by honourable senators of the importance of palliative and end-of-life care for all Canadians.

The third report of the Standing Senate Committee on Social Affairs, Science and Technology that is currently before us reaffirms the findings and recommendations of both the 1995 and 2000 committee reports and the chapter dedicated to palliative care. Among the recommendations is the establishment of a

national palliative home care program and the provision of income and job protection for those caring for a gravely ill or dying loved one. The report recommends expanding coverage to include palliative home care in order to ensure that end-of-life care is available to all Canadians. This coverage would be in line with the federal government's recommendation on this issue as put forward in the first minister's Health Care Renewal Accord 2003.

As well, the recommendation addresses the needs of palliative and end-of-life patients and their families. We know that 80 per cent of Canadians wish to die at home, but it is estimated that only 15 to 20 per cent are able to do so. Integrated palliative and end-of-life care is essential to ensure that Canadians have access to all of the services and supports that they need when they are needed. However, it is also important that Canadians have access to quality palliative and end-of-life care in institutions outside their homes such as hospitals, hospices and long-term care facilities.

In addition to the chapter dedicated to palliative care, many other themes in the report also apply to palliative care. The report makes recommendations concerning the importance of providing additional funding for research. This is critical in the area of palliative care in order to build research capacity and to enable results that will help inform decisions on the delivery of quality palliative and end-of-life care for all Canadians.

[Translation]

One of the themes of this report was reforming primary health care, which includes palliative care. The report also highlighted the importance of technology in the health sector. Indeed, telehealth and tele-hospices are essential when it comes to providing all Canadians with information on palliative care and guaranteeing them access to palliative care, particularly those who live in rural or outlying areas.

[English]

The Minister of Veterans Affairs and the Minister of Health and Social Services for Prince Edward Island recently announced a tele-home care pilot project to be carried out in the province from 2003 to 2006. Tele-home care uses telecommunications technology to provide care, instruction and education to patients in their own homes. This is where most Canadians want to be in their last days. The federal government will provide \$400,000 in start-up funding for the tele-home care pilot project, which will expand the provision for home care service to eligible veterans and other home care clients throughout the province.

This project builds on the work of the tele-hospice pilot project initiated by Prince Edward Island's West Prince Health Region in April 2000. The tele-hospice project has had excellent results and is recognized at national and international levels as an innovative way to use technology to support the health care needs of a rural population.

During a visit to Prince Edward Island this past fall, I was given a demonstration of the tele-hospice project. Utilizing available tools and technology to deliver palliative care services and information to people, no matter their location, is key to improving the quality of life of patients and their families, and is indicative of a health system that is accessible, portable and comprehensive. I am hopeful that the knowledge gained from this tele-hospice project will be used in other regions of Canada.

If honourable senators will allow me to digress for one moment, I think you would be amazed at what the technology can actually do. During the demonstration, I sat in front of a machine and became the home care patient. I was contacted by my home care nurse via a telephone line and a small television screen. I could see the nurse and she could see me. Attached to this piece of machinery was a blood pressure cuff; so we took my blood pressure. They measured the oxygen in my blood. They examined, with a small camera, an area of my arm that I had wounded many years ago. They were able to see that the scar was properly healed and that there was no concern.

I did not allow myself to be a patient for the use of the attached stethoscope. I was convinced that my executive assistant, travelling with me, had bronchitis and so I asked her to sit in the chair while she moved the stethoscope to different areas of her chest. They diagnosed that she did indeed have bronchitis, and we made sure that my assistant received treatment.

This begs the question, of course: Is this not rather impersonal? In fact, I experienced exactly the opposite reaction. Patients liked this system for a variety of reasons. One woman said she liked it because she did not have to get up in the morning and have a bath. Another liked it because she did not have to clean, since the home care worker was not going to arrive at her house. Another liked it because she knew that the home care nurse was at the end of this machine more than once a day, if she needed to consult her more than once a day. Clearly, if they have a patient in crisis, they can be in contact three, four, five or six times per day through the use of this technology. It really was quite an exciting experiment.

• (1550)

At that point, there were only 15 machines in Prince Edward Island. I came back here and consulted with the Minister of Veterans Affairs, who was interested in the delivery of palliative care services to veterans, and I asked if we could do something to deliver home care to veterans in Prince Edward Island using a similar initiative. That is how the pilot project came into being.

What interested me the most was the cost of this machine. We are talking about low tech here. We are talking about a machine that costs \$5,000, and the only thing that is required in a person's home is an electric plug and a phone line. Nothing else is needed to make this system work. I became excited about the system because I could see that it could be used in remote communities throughout Canada. It could provide much more in the way of hands-on service at relatively low costs.

The young nurse at the other end said that she finally met one of her patients because the woman had been in hospital and they had to go out and do a home visit to change a dressing. The

woman presented her with an afghan that she had knitted for her. She said that each day, after the home visit, she knitted a little bit more because she knew at some point she would meet her home care nurse.

It really is a remarkable success story, and one that we should move toward adopting in a great many places.

Another issue addressed by the committee was the use of pharmaceuticals. We know that not only is the use rising, so is the cost. They are playing an increasing role in health care for Canadians in a variety of circumstances, including in the context of palliative care. Sometimes the cost of drugs can be prohibitive. No Canadian should have to face financial hardship because he or she has to pay for drugs that they need to maintain their health.

The Standing Senate Committee on Social Affairs, Science and Technology's recommendation for expanding coverage to include catastrophic prescription drug costs is another area identified by the federal government as a priority. It is one of the target areas identified for the \$16-billion health reform fund that I mentioned earlier in my speech. Such coverage would help many of those in palliative and end-of-life situations a great deal.

In my view, the Senate has greatly contributed to the increased awareness of palliative care and end-of-life issues among Canadians and all levels of government. The developments in palliative care that I am addressing today reflect the commitment of the Government of Canada to take action. The federal government is recognizing and supporting a new national resolve to enable Canadians to continue life as they always have in physical, emotional and spiritual terms, regardless of their stage of life.

In addition to the report before us, the federal government has also taken into account the recommendations of the final report of the Romanow commission. Mr. Romanow recommended targeted funding for home care, which would include end-of-life care as a priority. As well, both the Romanow and Senate committee reports recommended that the federal government take action to provide support by way of income support and job protection for those faced with caring for a gravely ill or dying loved one.

The Standing Senate Committee on Social Affairs, Science and Technology, the Romanow commission and other provincial reports on health care will undoubtedly contribute to the continuing debate on health care reform, and provide federal, provincial and territorial governments with viable and concrete options for change.

As many in this chamber know, I was appointed as Minister with Special Responsibility for Palliative Care in March of 2001. I am very honoured to be the first federal minister with special responsibility for palliative care. This is the first position of its kind, not only in Canada but also, from what we can discover, in the world. It is a role that has provided me with the opportunity to make a specific contribution to Canadians concerning an issue that is of great personal importance to me.

[Senator Carstairs]

In June 2001, Health Canada established a secretariat on palliative and end-of-life care. In addition to supporting me in my role as minister, the secretariat was given the mandate of promoting and facilitating a Canadian strategy on palliative and end-of-life care through collaboration with organizations and experts within and outside the federal government, and coordinating federal initiatives on palliative and end-of-life care.

Under the leadership of the secretariat, a key accomplishment has been the commitment to, and ongoing development of, a strategy. The secretariat is working in collaborative partnerships with external stakeholders on the strategy, which is aimed at taking an integrated approach to end-of-life care as part of health care over the course of a lifetime. Implementation is taking place by way of a structure that has been established consisting of a coordinating committee and five working groups in the area of best practices and quality care, public information and education, education for care providers, research and surveillance.

Recognizing that palliative and end-of-life care is an issue that has implications beyond the health sector, the federal government has been working through an interdepartmental working group to ensure that its programs and policies in the area of palliative and end-of-life care are developed and implemented in the context of a broader strategy. Indeed, the palliative care file provides the federal government with an opportunity to demonstrate its commitment to working horizontally in order to provide Canadian with timely information and services when they need them the most.

[Translation]

Many of the measures adopted so far by the federal government in the area of health care follow up on the commitments made in the September 2002 Speech from the Throne. They include the commitment to modify existing programs to allow Canadians to care for a gravely ill or dying child, parent or spouse without putting their job or their income at risk.

[English]

Caregiver protection is an important priority to me as minister with special responsibility, and it is also a priority of the Canadian strategy. I am honoured to be part of a government that will provide concrete support to families on a fundamental and critical matter. I have been working closely with the Minister of Human Resources Development Canada. I am, therefore, very pleased that in its budget 2003, the federal government has committed to providing a new Employment Insurance benefit for a six-week compassionate care leave for people who take time off from jobs to care for a gravely ill or dying family member.

This compassionate care program will involve amending the Employment Insurance Act and the Canada Labour Code. As well, provinces will be required to amend their labour laws to ensure compliance with the Employment Insurance Act; and they have agreed to do so as part of the Health Accord.

Some of them have done so already. The labour laws of six out of 10 provinces include provisions for compassionate leave to care for a close family member who is injured or ill. Saskatchewan is

leading the way in providing 12 weeks of job protection. The concept is not new, with most provinces having already recognized the need for measures in this area.

The federal government is aiming to implement the program in January 2004, at a cost of \$221 million per year. Honourable senators, I think it is important to acknowledge that every penny spent on this benefit program will go a long way toward improving the quality of life of palliative care patients and their families.

The compassionate care benefit will be complemented by tax measures outlined in the 2003 budget, including \$20 million a year to expand the list of eligible expenses for the medical expense tax credit. This measure has the potential to be of great help to palliative care patients and their families as, in certain situations, medical expense costs can be very burdensome.

The federal budget outlines two other tax credits that will, in some instances, be of great help to palliative care patients and their families. One of these is the \$50-million-a-year credit for a new child disability benefit for low and modest income families. That could provide up to \$1,600 annually for a child qualifying for this tax credit.

Another is \$80 million a year to improve tax assistance for persons with disabilities. While using the disability and medical expense tax credits were recommendations in the final report of the Standing Senate Committee on Social Affairs, Science and Technology, they are also strongly supported by the palliative care advocacy community and key associations such as the Canadian Medical Association. In addition, expanding tax measures to assist end-of-life patients and their families is one of the objectives of the strategy for palliative and end-of-life care.

• (1600)

I have consistently expressed my strong support for using a variety of mechanisms to assist people in end-of-life situations. By including these tax initiatives in the recent budget, the federal government is taking action to address the particular needs of patients and their families in a significant way. This is a very important achievement for palliative and end-of-life care in Canada.

[Translation]

Research is another of the priorities in the Canadian strategy. There have been recent developments in the area of research. In its 2003 budget, the federal government announced that it would be granting an additional \$55 million per year to fund the Canadian Institutes for Health Research.

[English]

In fact, the Institute of Cancer Research at the Canadian Institutes of Health Research chose palliative care as first amongst six priority areas for research to be considered for special funding. In conjunction with the Secretariat on Palliative and End-of-Life Care at Health Canada, a joint ICR-Health Canada working group has been established to identify specific funding opportunities.

In January of 2003, the ICR working group presented its recommendations. I am pleased to note that the Canadian Institutes of Health Research has committed \$3.6 million over a five-year period for palliative, end-of-life care research. This, along with the CIHR's new program to support fellowships to train physicians to conduct research in palliative care — which was announced last May — will go a long way towards increasing the number of researchers and the capacity in the area of palliative care. This will enable evidence-based decision-making that will ultimately translate into improved quality palliative and end-of-life care for all Canadians.

In addition to the ICR, five other institutes have expressed an interest in making palliative care a priority: aging; human development, child and youth health; circulatory and respiratory health; genetics and neurosciences, mental health and addiction.

The National Cancer Institute of Canada is also becoming more involved in the area of palliative care research. The institute is in the process of reviewing its overall strategic approach and, to that end, is holding a series of focus groups to discuss the priorities that will inform its new strategy. It is encouraging to note that supportive care, including palliative care, is one of their emerging priorities.

As well, the government recently announced the first-ever Canada research chair in palliative care. Dr. Harvey Chochinov at the University of Manitoba will receive \$1.5 million in funding from Industry Canada and Western Economic Diversification to advance research in palliative care and to improve the quality of life for patients and their families.

While research has an important role to play in terms of innovation in the area of palliative and end-of-life care, equally important is the role of technology, which can be a useful tool in providing both access to care and advice to people in palliative care situations. I had the privilege of announcing recently, together with two of my cabinet colleagues, that the federal government will provide \$500,000 to the Canadian Virtual Hospice, a Web site that provides information on best practices in the area of palliative and end-of-life care. CVH is a virtual site for patients to connect with each other, for family members to seek support, for answers from a qualified doctor or nurse, for information for physicians and nurses themselves, and for physicians to have access to a specialist in palliative care. This is an exciting new concept that I believe will go a long way towards improving knowledge and expertise in end-of-life care for Canadians.

The training and education of health care professionals is paramount if we are to improve the quality of health care in general and, more specifically, palliative and end-of-life care in Canada. Many aspects of end-of-life care are not comparable to the medical care we receive at other stages of our life. For example, pain control is a big factor for those receiving palliative care. It also has a huge impact on the quality of life of people living with other diseases and chronic conditions. However, a 2001 study of medical students revealed that they received, on average, one hour of training on pain management in their four years in medical school. This is clearly not enough. I am pleased,

however, to be able to say that there is progress in the area of education for health professionals. McMaster University in Hamilton, Ontario, recently made palliative care a core part of their medical school curriculum. McMaster is the first university in Canada to do so, and I look forward to others following their lead.

Honourable senators, I must tell you that the doctor who is directing this program stopped me at a conference in the fall and said that she had heard me give a speech in Hamilton about the lack of core programming in palliative care. She decided that she could do something about it, and went back to her university and did so.

Indeed, investing in innovation and education is key to sustaining a modern health care system. That is why the government is providing \$90 million over five years towards health human resources and the expansion of professional development programs to ensure that health professionals acquire the necessary knowledge and training to work effectively in a variety of disciplines, including palliative and end-of-life care.

As all honourable senators are aware, palliative care is something about which I am very passionate. I believe that every Canadian should have access to quality palliative and end-of-life care, as it is a barometer of the quality of our health care system and of the values we hold as a nation. End-of-life care is just as important as care at the beginning of life. I believe that this is something that holds true for all Canadians.

As the minister with special responsibility for palliative care, I am committed to moving the palliative care agenda in Canada forward, and to the development of a Canadian strategy on palliative and end-of-life care. It is important to keep in mind that partnerships and collaboration between the federal, provincial, territorial governments and the external stakeholder communities are crucial in order for us to have a positive impact on palliative and end-of-life care in Canada and to continue to be a leader internationally on this important issue.

Given the demonstrated interest of the Government of Canada, the Parliament and this special Senate committee, I am optimistic that our long-term goal of providing quality palliative care to all Canadians is quickly becoming a reality.

Honourable senators, if I needed any further proof of the value of the work that I and so many of you have contributed to the issue of palliative care, it would be my trip on Friday to the Jewish General Hospital in Montreal. I went to visit a former colleague of ours, the Honourable Philippe Gigantès. He is in the palliative care unit there. I had spoken with his daughter a week before and discovered that he was not in very good shape. When I arrived there, because of the treatment he had received in the palliative care unit, directed by Dr. Bernard Lapointe, he was lucid, welcoming and had a number of visitors. He had a quality to his life that can only be provided by people who have an understanding of what quality end-of-life care is all about. It is, and continues to be, my passion. It continues to be, I know, the passion of many of you in this room.

Hon. Wilbert J. Keon: Will the honourable senator accept a question?

Senator Carstairs: Of course.

Senator Keon: First, allow me, honourable senators, to congratulate the minister on behalf of all Canadians on her dedication, her energy and the enormous accomplishment she has made in this field. People will be indebted to her for a very long time.

Having said that, I remain concerned about the agenda not moving as quickly as many people would like to see it moved. One of the barriers, which the honourable senator touched on at the end of her speech, is that we do not have the appropriate health professionals in place. We also do not have the plans to train the appropriate health professionals in order to put this program in the place that it should occupy.

• (1610)

The honourable senator referred to the fact that about 80 per cent of people are not dying in their own beds. Instead, they are dying in highly sophisticated hospital beds, where they would be much better with a bouquet of flowers each day than having their blood work done. We cannot seem to get out of that conundrum.

My question is: Does the honourable senator have a plan for getting the 16 health sciences centres involved in educating multidisciplinary teams? It is not good enough, I believe, to have educational programs in medicine, nursing and so forth. We must have a leadership in the health sciences centres that will address the education of particularly the multidisciplinary team that will move out into the homes, because much of our intellectual resources are now concentrated in the large teaching hospitals. I will repeat the question: Is there a plan to address the health sciences centres in their broadest context to educating multidisciplinary teams?

Senator Carstairs: I thank the honourable senator for his question. The honourable senator is quite right. If we do not have a broader plan to educate physicians and nurses, then it will not become a reality because there are very few trained palliative care professionals in this country.

I have sought out the Executive Director of the Association of Canadian Medical Colleges. They will shortly present a proposal to the Department of Health as to how they can provide education programs in all of our medical schools in Canada with respect to palliative, end-of-life care. I am hoping the proposal will come forward within the next few weeks, and to persuade the Department of Health to use some of the resources they have now received in this area.

I should also inform honourable senators that, as of 2004, there will indeed be a curriculum for nurses in the country. They have requested a program, and it will be one they have developed. That will help to increase the number of professionals at that level. However, I still believe that the critical player is the physician. All physicians must know about palliative care and that it as an option. That is why I think undergraduate medicine is such an important tool. If young doctors who end up being

oncologists, cardiologists or in internal medicine do not have some grounding and understanding of what can be provided in end-of-life care, then they will not make it as a recommendation to their patients. We know that there are some excellent centres across the country, but it is very hit and miss at the present time. The only way I think that this will be enlarged is if we educate the doctors and nurses and make it a reality throughout the country.

On motion of Senator Stratton, for Senator LeBreton, debate adjourned.

STUDY ON PROPOSAL OF VALIANTS GROUP

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence (study on the proposal of the Valiants Group) tabled in the Senate on December 12, 2002.—(*Honourable Senator Atkins*).

Hon. Michael A. Meighen: Honourable senators, Senator Atkins was good enough to allow me to speak in his place, and I will be taking the adjournment in his name when I am finished. I will not be long.

[*Translation*]

Honourable senators, it is my pleasure to speak on the fourth report of the Standing Senate Committee on National Security and Defence. It is in fact a report of the Subcommittee on Veterans Affairs. This is a very short report, which is nevertheless extremely important to our country. In this report, we address a proposal by the Valiants Group for the erection of statues in downtown Ottawa to salute the heroic wartime sacrifice of certain valiant men and women who fought victoriously for Canada.

[*English*]

These statues that are proposed to be erected will commemorate the giants of our history as they struggled for our freedom and independence during the 17th, 18th, 19th and 20th centuries. These people were not just warriors, honourable senators; they were real nation builders. Consider, for example, Pierre Le Moyne d'Iberville, Joseph Brandt, Sir Isaac Brock, Laura Secord, Georges Vanier, Andrew Mynarski and many others.

"Valiants" is such an appropriate name for these people whose activities are proposed to be celebrated and commemorated. Every Remembrance Day, at war memorials across our country, those attending hear the recitation of "In Flanders Fields." Without fail, the great hymn "O Valiant Hearts" is sung. The first two verses of that hymn put this project and the people it is to celebrate in context:

O valiant hearts, who to your glory came
Through dust of conflict and through battle flame;
Tranquil you lie, your knightly virtue proved,
Your memory hallowed in the land you loved.
Proudly you gather rank on rank, to war.
As who had heard God's message from afar;
All you had hoped for, all you had, you gave
To save mankind — yourselves you scorned to save.

[Translation]

The Subcommittee on Veterans Affairs took an interest in the Valiants Project because the group's proposal appeared to have been derailed by the bureaucracy in Ottawa. We can all understand and sympathize with anyone who is trying to move a project through the maze of the federal government's bureaucracy.

[English]

I will begin by describing the group that is the proponent of this subject. Mr. Hamilton Southam, a distinguished Canadian known to many senators, is the chair. Working with him are a number of veterans and military historians, as well as advisers on sculpture and urban planning. Some of their names will be familiar to honourable senators: David Bercuson, Jack Granatstein, Clifford Chadderton and Lieutenant General Charles Belzile are just a few of the people behind this imaginative proposal. Mr. Southam explained to the subcommittee that this proposal would provide Canadians with a permanent reminder of the history of our country as we moved from a French colony to the great North American nation we are today.

The valiants whose lives are to be immortalized in statue form were chosen by a group of Canadian historians. The list, which has grown to 16, commemorates our wars of independence during the French regime, the American Revolution, the War of 1812 and the 20th century wars.

The Department of Canadian Heritage established an interdepartmental working group to examine the project. The Valiants Group were included in this examination process. Unfortunately, at least in the opinion of our committee, the governmental group determined that this project was to be dropped. Mr. Southam explained to our committee that the reasons given for dropping the project were as follows: One, too many statues; two, too many officers; and three, too much money. He added that he was under the impression that the bureaucrats felt that the military statues were out of place in the heart of the capital of such a peace-loving nation as Canada.

The Valiants Group explained to us that they could reduce the number of statues but still believed that the project is fundamentally sound. Canadians should remember their history, and they should remember the people who sacrificed that we may live in freedom. This sentiment is one with which the committee wholeheartedly agreed.

I have taken the opportunity to correspond with the ministers who I believe might be helpful in moving the proposal along. Interestingly enough, all seem rather supportive. The Minister of Defence says in his letter:

In principle, and in general, I fully support the aims of the Valiants Project and the theme it wishes to present — that Canada, as it is today, has been shaped by military events to an extent greater than many Canadians understand.

[Senator Meighen]

• (1620)

The Minister of Veterans Affairs writes, "Veterans Affairs Canada is supportive of any initiative that complements its remembrance programming."

Finally, I was heartened to receive a letter dated February 11, 2003, from the Minister of Canadian Heritage saying that she would look again at this proposal in light of the work of our subcommittee. She has, therefore, instructed officials from the Canadian War Museum to work closely with the Valiants Group along with officials of her department. On behalf of the subcommittee, I responded to the minister's letter thanking her for her decision.

Honourable senators, our committee's sole recommendation is that the Government of Canada reconsider the Valiants Project, taking into account the proposals of the sponsors to reduce the number of statues, to alter the choices of valiants and to lower the costs.

I might add that the group chaired by Mr. Southam has agreed to raise 20 per cent of the funds required.

We believe this to be a worthwhile venture and certainly worth the financial investment required. I therefore urge other honourable senators to join in the debate supporting the work of the Valiants Group and urge the government to reconsider its position on the project so that we might go ahead and have the project completed by August 15, 2005, the sixtieth anniversary of the end of World War II.

On motion of Senator Stratton, for Senator Atkins, debate adjourned.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Bryden*).

Hon. James F. Kelleher: Honourable senators —

The Hon. the Speaker: Honourable senators, this matter stands in the name of Senator Bryden, and he rose. Senator Bryden, I must see you.

Hon. John Bryden: Honourable senators, I rose because I did not realize that someone else wished to speak to this item. I wanted to stand this inquiry and give some explanation as to why it continues to stand in my name.

As honourable senators know, this is a very non-partisan chamber. However, a good number of honourable senators on the other side of the chamber have participated in this inquiry in a very non-partisan fashion. I see that there are more who wish to participate.

This is just not a time at which I feel comfortable in replying to the thoughtful and non-partisan comments of honourable senators opposite. There are other events happening this week. The pictures in this chamber tend to remind me of that.

I want to speak to this item, but for me, this is not the time to do it.

Senator Kelleher: Honourable senators, notwithstanding the forgoing comments, I will continue.

Senator Robichaud: Continue to be non-partisan.

Senator Kelleher: No. I may seem nice, but do not be misled.

Today, honourable senators, I would like to discuss the heating grant fiasco, as I call it. Paul Martin spent more than \$1.4 billion on a heating rebate program that mainly sent money to people who did not face rising heating costs.

In October 2000, rising home heating costs were a potential election issue. Paul Martin responded by announcing a one-time fuel rebate payment of \$125 for low-income and modest-income single people and \$250 for families. He targeted the program so badly that cheques were sent to dead people, prison inmates and to people not even living in the country. Meanwhile, thousands who had fallen on hard times received nothing.

The cheques were sent in early 2001 to anyone who qualified for a GST credit, based on 1999 income. It did not matter whether the heating bills were paid by someone else, or whether there was no imminent increase in heating costs because the home was heated by electricity, or whether the person's income had risen dramatically since 1999.

As the Auditor General noted in her December 2001 report, there was:

...a weak relationship between those who received the GSTC and those who needed assistance for increases in their heating expenses.

The Auditor General noted that only between 15 and 25 per cent of those who received the payment needed help to pay for increased heating costs stating:

...we estimate that of the more than \$1.4 billion paid in relief for heating expenses, the total amount paid to those who faced an immediate increase in heating costs was between \$250 million and \$350 million.

She said that between 25 and 35 per cent of the households that received assistance did not need it now but might need it in the future. As a result, she concluded that:

At least 40 per cent of the households that received a payment either were not low- or modest-income households or would not likely face higher future heating costs related to the 2001-01 energy market conditions.

Some of her other findings were just as disturbing. Because income changes from year to year, at least 600,000 Canadians did not qualify based on their 1999 income, but would have qualified based on their 2000 income. Of that 600,000, she said that:

At least 90,000 of these people needed immediate assistance to help with increased heating costs.

She noted that at least 1 million households received more than one cheque, and that:

At least 4,000 Canadian taxpayers who did not live in Canada and 7,500 deceased people received cheques. While it is difficult to calculate how many prisoners received the relief for heating expenses, based on available data the Department estimates that about 1,600 prisoners could have received cheques.

In a December 6, 2001 editorial, *The Globe and Mail* observed:

Even if we assume (charitably) that the Liberals were simply trying to help low-income Canadians, or (cynically) that they were trying to butter up as many people as they could before the election, the execution was abysmal.

In an editorial aptly entitled "Toss Another Cheque on the Fire," the *Halifax Chronicle-Herald* observed on December 7, 2001:

The audit finds "at least 40 per cent" of recipients did not have low or modest incomes or were unlikely to face higher heating bills last winter.

That's a truly pathetic mismatch.

Imagine the outcry if a foreign aid agency only managed to get 17 to 60 per cent of relief to the needy and wasted the rest.

As Red Cross Secretary General Pierre Duplessis told this newspaper recently, his agency expects that, on average, 85 per cent of humanitarian relief will get through to the suffering in places like Afghanistan, where agencies face obstacles like spoilage, poor transportation links and bandits. As much as 95 per cent of aid can get through, he said; 75 per cent is considered poor.

The editorial went on to conclude:

Although the auditor doesn't say so, the root of these problems was surely a crass rush to cook up an election goody. A huge expenditure, directed at nearly eight million households, with little regard to need, made at cabinet's discretion, as a gift — these look suspiciously like a recipe for vote buying, not for a darned good program.

Problems were obvious even as the cheques were being mailed out. The *Winnipeg Free Press* reported the following on January 30, 2001:

"People who should be getting rebates are people who have heating bills," said Kim Watts, a married mother of four children. "According to these rules, my brother who lives at home will get the rebate but he doesn't have a heating bill. That makes no sense."

"You can have adult children, living with their parents, who will get the rebate but their parents — who pay the heating bills but don't qualify for the GST credit — will not," Watts said, adding that people living in apartments will also receive the rebate. "It's all backwards."

• (1630)

Columnist Gordon Henderson observed in the *Windsor Star* of February 20, 2001:

Finance Minister Paul Martin may be a dirty, no-good, grasping, throne-usurping plotter in the eyes of Prime Minister Jean Chrétien and his paranoid Parliament Hill cronies, but he's never been more popular in Canada's gated communities.

But this business of sending out federal heating rebate cheques for \$125 or \$250 (depending on family circumstances) to prison inmates who qualified for a GST rebate in 1999 is the final proof, as if we needed more, that the government places the buying of votes light years ahead of management of financial public policy.

In Mexican jails, you wish you had an influential daddy. In U.S. jails you find out who's your daddy. In Canada the taxpayer is your sugar daddy, courtesy of the nice folks in the finance department and at Revenue Canada.

This loopy scheme — hey, why don't we shovel \$1.4 billion out of the ministry window and see where it lands — was introduced in Martin's mini-budget last fall as soaring energy costs threatened to become an issue in the imminent election.

Did they direct the money to homeowners staggering under humongous heating bills? Gosh. No. That would be too complicated. It would require planning and foresight.

Either Paul Martin and the Liberals do not pay attention or they do not care how money is spent. While Paul Martin gave the heating rebate to those who got the GST credit, he had no idea if the GST credit itself was working.

The GST credit was created in 1991 to ensure that lower-income Canadians paid no more net sales tax than they did before the GST replaced the hidden Federal Sales Tax. Normally, programs are reviewed every few years to ensure they are doing what they are supposed to do. If necessary, changes are made.

In 1996, the Auditor General suggested that Paul Martin's Finance Department study the GST credit to make sure it was meeting its objective. Five years later, Canadians were told by the Auditor General in December 2001 that:

The Department of Finance has not yet conducted a formal evaluation of the GST Credit program to ensure that it is meeting its intended objective.

Columnist Greg Weston observed in the *Winnipeg Sun* of December 6, 2001:

The great home-heating rebate boondoggle, exposed this week by Auditor General Sheila Fraser, may leave ordinary Canadians with a rather nagging question: What kind of idiots would come up with a \$1.4-billion government handout scheme that gives 80 per cent of the money to all the wrong people, including thousands of dead ones.

The short answer is the federal Liberal government.

The longer answer is the same idiots who continue to send GST rebate cheques to thousands of dead Canadians every few months.

Mr. Weston went on to note that after rejecting several options for providing relief:

Paul Martin's finance department came up with the brilliant idea of sending the heating handouts to the same lower-income Canadians who received GST rebates. The main problem — as the government knew at the time, and the AG subsequently reported — there is little connection between those who get GST rebates and those Canadians who pay their own heating bills.

The situation was made worse by the fact the government was sending heating handouts to people who qualified for GST rebates in the year 2000, based on their tax returns for 1999. By the time the government got the heating cheques in the mail in February of this year, at least 14,000 members of the needy class of 1999 were either in prison, dead or had left the country.

And therein lies the other problem. Since the heating payments were sent to the people getting GST rebates, guess what? At least 14,000 GST rebate cheques were also mailed to people who are in prison, abroad or in heaven.

Not only did Paul Martin send money to the wrong people, but he bypassed Parliament to do it.

Normally, there are only two ways for the government to send out such cheques — as an expenditure approved by Parliament or as a tax measure approved by Parliament. Either way, the government would have to bring in a bill. It would have to answer tough questions such as, “Can you assure us that no cheques will be sent to anyone who has the same address as the Kingston Pen?”

However, because Parliament was dissolved for an election, the door was open for a third way — the use of special spending warrants. Those are only supposed to be used for urgent spending that cannot wait for the recall of Parliament, such as a war or a flood. The Liberal cabinet approved those warrants on December 12, 2000.

The original plan was to treat the payments as a credit under the Income Tax Act. Instead, the payments were sent out as an *ex gratia* payment, basically an act of benevolence in the public interest. Putting a bill before Parliament was too much of an inconvenience.

The Auditor General was highly critical of this process, noting in her December 2001 report:

We are concerned that parliamentary scrutiny of this initiative was weakened because the government chose an approval process that did not involve Parliament. The government decided that it was important to deliver the relief quickly, and there were few avenues available when Parliament was dissolved.

We appreciate the importance of delivering the relief quickly to those who urgently needed it. However, the Department knew on 13 December 2000, that Parliament would be recalled on 29 January 2001... In our view, a delay of no more than six weeks would have allowed Parliament the opportunity to debate and approve the spending of public funds before the spending took place, and without compromising the government's objectives.

When the Auditor General delivered her report, Paul Martin stayed away from the House of Commons. The CBC's Anthony Germain reported on *The World at Six* on December 5, 2001:

The person in charge was Paul Martin. But he hasn't answered any questions about the rebates problem because the Finance Minister is busy drafting next week's budget. Apart from the humour in Parliament, there is a more serious question for Paul Martin. The theme of the Auditor General's report this week is that Parliament's power to control spending is eroding. Sheila Fraser highlights the fact that Martin gave the green light to this \$1.4-billion program without consulting Parliament.

Jim Peterson, the junior Minister of Finance, answered in place of Paul Martin, telling the House of Commons on December 4, 2001, that:

Sure there were anomalies but it was a darn good program.

Obviously, the Liberals do not learn from their mistakes.

On motion of Senator Stratton, for Senator Gustafson, debate adjourned.

[Translation]

FOREIGN AFFAIRS

MOTION TO REFER 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPEAN PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion by the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C.,

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

Berlin, 6 — 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms," and urges participating States to address "acute problems," such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, I rise in support of Senator Graftin's motion; anti-Semitism has become something of a disease in this country.

[English]

It saps our vitality and our strength as a people, and it endangers many aspects of our international and national life.

I do not think that this motion should be referred to the Foreign Affairs Committee but, rather, it should be referred to the Human Rights Committee because it is basically a question of human rights. However, I bow to the wisdom of Senator Grafstein.

[Translation]

Since September 11, 2001 — that dreadful day we shall never forget — we have witnessed the evolution of racism in our country.

[English]

We have seen in our country the growth of racism across the board. A few days after September 11, a Hindu temple in Hamilton was burned to the ground. Since then, many minorities, in particular those of the Muslim faith, have been subjected to name calling, insults and physical attacks. In this very city, an Arab boy was seriously beaten up a couple of weeks after September 11. Consequently, are all of these actions that occurred after September 11 symptomatic of the development of a way of life?

I am the moderator of the forum on culture and diversity. Secretary Augustine talks about systemic racism in our country. Systemic racism seems to engulf us more and more as the days go on. Racism against a Black person, against an Arab, against a native person or against a Jew is all the same kind of racism and must not be tolerated in this fair land. One of the honourable senators whom I greatly respect told me the other day that he had a consultation about the role of visible minorities in the federal civil service. He was told that Black people do not make good managers. When he asked why, he was told that they are not capable of developing efficient PowerPoint presentations. I think the entire civil service should be replaced by Black people, if they are not capable of doing PowerPoint, since the most boring issue of discussion is PowerPoint.

I mention this as an example of what happens. While we were in recess, the newspapers reported that incidents of anti-Semitism have increased considerably in Canada. Why? I am a child of a culture, of an environment that welcomed and made almost natural anti-Semitism. I prayed for the Jews to find the right path. I prayed so that we could eliminate them from their roles in our society. We prayed and prayed, so that the day would come and they would all be converted and that would be the end of it. We did that to the native people, too. We thought that if we could only send them to the schools to become Roman Catholics, the end result would be that they would be like us. Thank God it has failed!

For these reasons, I listen to myself, and I listen to my colleague across the way. I was moved by what the honourable senator was saying. I was quite moved by the resolution that was passed in this association or this reunion that he attended. I asked, "Why is it

that today we see a growth of that kind of thing?" People say to me, "The cause has to do with the fact that Israel is too tough on the Palestinians, and the country is not being humanitarian." These are not reasons and they are not causes. It does not help us, though, honourable senators, that many Jewish organizations call anti-Semite anyone who questions the means whereby Israel assures its security.

I am a Canadian and I have always believed, since I was able to start believing in things on my own and I was not afraid of being beaten up by some nun, that the day would come when the Israeli people would have their home. This summer, in the association of going back to the land of Israel, two young friends of a friend of mine went back to Israel. I asked them to put a little note in the wall, apologizing for the part in my past life when I thought that the Jews were dangerous people to have around. I no longer want this. I really do not want this. Israel will exist. It has the fundamental right to exist and it has the right to defend its existence. There is no way out of that. Those who became anti-Semitic because of the human right that Pearson and Canada defended since 1948 are doing a disservice to their country.

[Translation]

Honourable senators, it is essential that we raise our awareness. Today, we are talking about anti-Semitism.

[English]

Tomorrow we will speak about another aspect of racism that exists and affects our people. This is a great country. There is no room for this sort of thing. This is the land of diversity. This diversity is a condition of citizenship; it is a fundamental value of our country. To honour it is to be really Canadian. Consequently, we have laws against racism, but these things seem to spread and spread in spite of the law. At the end of day, we must think globally and we must act locally. We must look into our hearts and we must condemn anyone, whether they be our friends, the teachers of our children or anyone else who dares question the validity of a person's religion, a person's race, a person's colour and, above all, the Israeli people who have suffered enough, and need not suffer the humiliation of anti-Semitism.

Hon. Marcel Prud'homme: Would Senator LaPierre take a question?

Senator LaPierre: Do I have any time left? I will take a question, but the honourable senator must not make a speech, because that annoys me.

The Hon. the Speaker: You have eight minutes remaining.

Senator Prud'homme: Honourable senators, the honourable senator mentioned 1948. I agree with him because I have a motion following his. He is aware of the Canadian responsibility of November 29, 1947, where, by a vote of 33 to 10, Canada was the facilitator with Mr. Pearson, the deputy minister, for resolution 181 that was written by Judge Wren of the Supreme Court, one of the drafters. That passed 33 to 10.

Senator LaPierre: I am aware of that. I was born then.

Senator Prud'homme: The honourable senator commented on 1948.

Senator LaPierre: It is the spirit of the country I am talking about. The spirit of our country has always been with Lester Pearson and people who have supported this action.

I am now a has-been, but when I was famous and had a program on television, I went across this country and raised money for the universities in Israel and for the growing of trees in Israel. Therefore, I am happy. This is my contribution. I may have forgotten the date, but I am an old man, and old men live with their dreams and their dreams live in their heart. Thank you very much. That is enough.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

• (1650)

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY MEDIA INDUSTRIES—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise today to speak to the motion introduced by Senator Fraser on November 26, 2002, seeking an order of reference to permit the Standing Senate Committee on Transport and Communications to study a number of issues related to the media in Canada. For the sake of brevity, I believe that the object of this exercise proposed by Senator Fraser is to allow the committee to study virtually all elements of the role of the media in Canadian society.

We on this side of the chamber do not disagree in principle with a study inquiring into the role of public policy and how it can ensure that the Canadian news media remains healthy, independent and diverse. However, we do object to the broad terms of reference sought by Senator Fraser. We can see a focused study dealing with specific issues of independence and diversity and their relation to public policy. As Senator Kinsella said when he characterized the mandate being sought by the committee as being too broad, "a study about everything in general is a study about nothing in particular."

When describing the questions this study may address, Senator Fraser listed issues that would take volumes to answer. I have a number of quotes: "Are Canadians still getting the quality and diversity of news and information that they need?" "How can we be sure Canadians will have access to news and information from this country's perspective seen through Canadian eyes?" "How can we be sure that these Canadian stories will not be drowned out by the voices from the rest of the world, especially from the United States?" "Are there elements of public policy that can or should be changed to address the new problems created by the new realities?"

Let us study media concentration if we must, but let us be reasonable about what we undertake so that we do our usual credible job on such matters. Senator Kinsella, in his intervention, listed other questions that could form the basis of study: the rise of the Internet, the potential loss of sovereignty posed by technological advances, and the use of satellite dishes. Each of these could form the basis of an individual study. Are we developing a two-tier society when it comes to access to information and media?

Before we go any further, I will go back to the events of last spring and early summer, which lie at the root of the request for this committee's study. Editorials supporting the Liberal Party were required to be printed by the owners in all CanWest papers. Editorial control by the ownership was demonstrated for all to see in the firing of long-time publisher of CanWest's *Ottawa Citizen*, Russell Mills. He was fired for speaking out against such editorial control and for carrying material critical of the government in the CanWest paper, of which he was the publisher. The firing was universally condemned. Interestingly enough, since the time of the firing and the public outrage that followed, we have seen no further incidents of this type of editorial control or interference by owners, at least not as blatant as those actions.

Does this mean the marketplace, or public outrage, is an effective tool to deal with such situations? Is there a public policy role for government? When government moves in to guarantee the freedom of the press, are we not heading down a slippery slope toward control of the press or the media by government?

As someone in this chamber stated, if the firing had occurred in any other business, it is doubtful that anything would have been said. Why, then, should this be any different? Let the public decide.

What should we, public policy-makers, do to protect the marketplace of ideas and to ensure that the public hears a diversity of voices and opinions in the coverage of local, national and world events?

The answer arrived at on this side is to conduct a study that is focused and time-limited. I believe that the following would serve as appropriate terms of reference:

Given changes in the media in recent years — notably globalization, technological change, convergence and concentration of ownership — the standing committee should study the appropriate role of public policy in helping to ensure that the Canadian news media remains healthy, independent and diverse.

The following is a list of issues and questions to be addressed by the committee in its study:

1. What are the key, recent developments or tendencies? To what extent are developments in Canada unique to this country? To what extent are the experiences common to many countries?
2. How have the developments affected, or how may they affect, elements of the public interest?
3. What mechanisms exist to protect and promote the public interest in Canada and in other countries?
4. What is seen as the appropriate role for government, and what are seen as the responsibilities of the media?
5. What about access?

We have the Internet, after all, and yet we have a two-tier system — those who have access to it and those who do not.

Such a study would focus clearly on avenues available through the public policy route to ensure that Canadians continue to hear the diversity of views now guaranteed to them under the Charter of Rights and Freedoms. The investigative study would be supported by research into the current state of ownership of media outlets and rules for self-regulation established by the media. Statistics on readership, audiences, profits and ownership would be assembled.

Committee hearings could begin here in Ottawa, with experts addressing the issues of freedom of the media, the role of the media in the 21st century and the business side of the media. The regulators, such as the CRTC and the Competition Bureau, would be heard from, as would interested government departments and press councils. We would also hear from those representing ownership, writers, workers, advertisers and consumer groups.

On February 14, 2003, McGill University, through its Institute for the Study of Canada, held a conference entitled "Have Journalists Lost Control?" What can we learn from this conference? At the end of it all, if we were to think it necessary, the committee would travel to hear varying views from across the country.

Through the technology of video conferencing, we could learn how other jurisdictions are addressing these public policy issues. For example, the views of experts in the United States, Britain, France and Germany would be helpful. All of this, we believe, could be done in the next fiscal year so that we would have a report by mid-winter 2004.

• (1700)

Let us be disciplined and respect the taxpayer's money, yet determine if there is a role for public policy to play in the area of media concentration.

Honourable senators, because no one else has come forward to put an appropriate fence around this broad-scope definition that has been sitting here for a long, long time, it needs to have a fence put around it. I have heard talk about it, but nothing has happened.

MOTION IN AMENDMENT

Hon. Terry Stratton: Therefore, I move, seconded by the Honourable John Lynch-Staunton:

That the terms of reference for the study of the current state of Canadian media industries by the Standing Senate Committee on Transportation and Communications be amended by removing all of the words after the word "authorized" and adding the following:

"to study the appropriate role of public policy in helping to ensure that Canadian news media remains healthy, independent and diverse, given changes in the media in recent years, notably globalization, technological change, convergence and the concentration of ownership; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators to adopt the motion in amendment?

Hon. Joseph A. Day: Honourable senators, I rise to speak against the proposed amendment. I should like to outline my reasons for urging senators to vote down the amendment.

My honourable friend has read virtually word for word our draft work plan, which was the result of taking to heart the comments made by Senator Kinsella some time ago. I believe it was on December 5 that Senator Kinsella spoke. The committee reviewed his words carefully and discussed the issue of whether we need to amend the wording of the motion. The committee, which consisted of four members from the opposition side and eight members from the government side, considered the matter at length and developed a draft work plan that clearly provided the focus that we needed.

Senator Kinsella's words were helpful to us, but we did not believe that it was necessary to amend the wording of the motion. We shared the wording of the draft work plan with Senator Kinsella and Senator Stratton, and the amendment he is proposing incorporates many of the words from the work plan.

Honourable senators, it is the unanimous view of the Standing Senate Committee on Transport and Communications that the wording of the motion as it appears is appropriate. We are very anxious to get on with this study. I would urge honourable senators to vote against the amendment and to subsequently support the motion.

Hon. Tommy Banks: Honourable senators, I wish to explain to Senator Stratton why I will vote against his motion in amendment. While, in some respects, I think it has the effect of expanding rather than drawing a fence around the term of reference, what bothers me about it most is that it concentrates on, if not limits itself to, studying the question of news. The study ought not to confine itself to that question, or to the questions of concentration, because the telling of our stories and the spreading of our arts and culture is at least as important as news and at least as important as questions of concentration. I believe that the present wording of the motion is more appropriate to the task that ought to be undertaken.

Hon. Marcel Prud'homme: Honourable senators, I have participated in debates of this kind in the past. Regarding the amendment that has just been put, I should like to ask permission to adjourn the debate under my name. I do not want to delay the debate probably any further than tomorrow, but I think we need time because this motion is very important.

Hon. Laurier L. LaPierre: The honourable senator has had time since December.

Senator Prud'homme: I know, but in a democracy one could say yes or no and dispose of the matter. We do not need to jump over the barn.

I ask if there is consent; if there is no consent, that is it. I should like to adjourn the motion in my name. It is not a question of killing the motion. I want to see the meaning of the amendment. Senator Day has explained it very well. He is contrary minded to what Senator Banks has said. I believe a day of reflection would not kill anyone. I promise to speak tomorrow. If I do not speak tomorrow, then we can proceed with whatever is in front of us.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Stratton, that further debate on the motion in amendment be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion to adjourn debate please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion to adjourn debate please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it. On division.

Motion agreed to, on division.

[Translation]

NEGOTIATIONS WITH INNU (MONTAGNAIS) OF QUEBEC

NOTICE OF INQUIRY—DEBATE ADJOURNED

Hon. Aurélien Gill rose pursuant to notice of Thursday, February 13, 2003:

That he will call the attention of the Senate to the issues related to the common approach to negotiations with the Innu (Montagnais) of Quebec, Quebec and Canada, in relation to the current debate.

He said: Honourable senators, I feel it is my duty as a Senator to inform you about the debates around the new agreement being negotiated at the present time by the Government of Canada and

the Government of Quebec with part of the Innu nation, the Montagnais. These negotiations, which begin around 1975, are aimed at establishing an Innu government and a new type of relationship with other levels of government. For nearly thirty years now, the Innu have had the same goal: to resume their responsibilities, improve their living conditions and be able to live in dignity. To accomplish that goal, they had to first obtain recognition of their ancestral rights. Then there had to be negotiation of a sharing formula which would reflect current reality, while at the same time preserving the land base pursuant to acquired rights.

The Innu also had to have entitlement to certain other parcels of land, also subject to ancestral rights, as far as certain uses were concerned, as well as supervisory rights and the entitlement to resource royalties. After 28 years of hard work and difficult discussions, interrupted several times, the Innu are now well on the way to signing an agreement which will provide them with the foundations for self-government. By so doing, the decades of being under the guardianship of Indian Affairs will be over; they will be able to finally break down the shameful walls that kept them enslaved on the reserves. The Innu will again be able to make their own decisions and to take back responsibility for themselves in all areas. They will at last be able to assume social and economic responsibility for themselves as a People, though a number of means including an appropriate taxation system.

This will honour the recognition of First Nations rights present in the Royal Proclamation of 1763 and made more explicit in 1982, and ought to be source of pride to Quebecers and Canadians. Alas, it is source of controversy instead, and has given rise to some opinions and positions that have often proven disastrous.

Honourable senators, this situation, while currently involving only one specific part of the country, concerns all Canadians nevertheless. It is, in reality, just one more reflection of the negative attitudes that have prevailed so often throughout the country in connection with specific agreements with Aboriginal peoples. Yet those agreements are intended merely to assure Canada's First Nations of their entitlement under social justice and constitutional law.

[English]

As a result of this connection, I have recently become aware of the position of Mayor Jean Tremblay of Saguenay, as reported in the local press. He has submitted a brief to the Quebec Parliamentary Commission, addressing the common approach proposed in this agreement.

[Translation]

I feel it is worthwhile to look at what he has had to say, because the mayor's position is a kind of synthesis of the arguments prevailing in this country that are contrary to aboriginal interests, arguments that are offensive to Canadian reality as far as the application of moral and political values of which we are proud is concerned: a concern for justice, tolerance, respect for diversity, harmony, peace and so on. I wish to raise this with you in order to illustrate its impact on the country. I will begin by stating that this position, which got a lot of press in Quebec, is, regrettably, far from surprising. It reflects the usual concerns of those opposed to agreements of this kind. The basis premise is that we must not create two classes of citizens, nor give some an advantage over others.

The argument is that this will be a threat to the rights of non-Aboriginals, but not those of Aboriginals; that there is no point in turning back the clock; that the principle of equality for all takes precedence over any other principle which would divide people into sub-groups. This is the standard human rights argument, that human rights are individual by definition, that 31 million Canadians have the same rights, with no differentiations or exceptions. I am always thunderstruck when this argument keeps cropping up again and again in a country like Canada. There are differences, we know there are. Those differences are what have shaped this country. This is why special considerations are fair, and necessary. These specific differences are based on rights rooted in the history of this country, a long history that had to be acknowledged at the time the Constitution was repatriated in 1982.

The Innu form a People, my People, with one language and shared traditions, as well as a unique history sadly marked with injustice and abuse for the past 200 years. They have rights that must be expressed fairly and in a way that reflects their identity.

[English]

Our rights were recognized as the first people of this country. It is now urgent that those rights take concrete form in social and political life. The unjust course of history cannot be reversed otherwise.

[Translation]

The position of the mayor of Saguenay is tantamount to a denial of our specific cultural identity, our history, our ancestral rights, by lifting the debate to the abstract level. In the brief from the City of Saguenay the following statement is made:

One could, for example, listen forever to the anthropologists reciting all the ancestries in order to determine who are the first, the true, Aboriginal people. In politics — and we are in politics — what we have to do is address equality of opportunity for the people who are living now, regardless of race, gender or other individual characteristics.

You will agree that hearing such words from a Quebecer, a resident of the Saguenay, is somewhat astounding. The First Nations have been battling for many moons in the name of equity and human dignity, in order to gain recognition of their right to exist within their identity as a people on a defined territory. The mayor of Saguenay also uses the concept of solidarity as an argument for uniform rights for each and every person in the region, again without regard to the existence of the Innu people. He goes so far as to manage the scandalous feat of making the victims of injustice out to be privileged aggressors. So now the rights of the Whites must be defended against the wicked Indians. One would think we were back in the 1800s when preparations were being made to park the Indians on reservations in order to make the good land available to the right people. This was the history of Saguenay-Lac-Saint-Jean, and of just about every other part of Canada.

Raising the concept of solidarity in order to promote the levelling of differences in Saguenay-Lac-Saint-Jean and elsewhere, whether Labrador, the North Shore of the St. Lawrence, Western Ontario, Northern Manitoba, Saskatchewan, or anywhere else in Canada, is an insult to the memory of a country, an insult to history. The truth is that this country was built entirely with the

total solidarity and participation of the First Nations and Inuit, and this was done at their expense, with no respect, no fair compensation whatsoever. The people of the Saguenay and surrounding areas cannot deny that, still today, the Innu are living as second-class citizens, with no dignity, in poverty, marginality and dependency. This same situation remains part of the daily reality of all of this country's First Nations. Where was the equity, when the Indians of Saguenay-Lac-Saint-Jean needed solidarity, as did those all over Canada, when they were totally stripped of all that they owned, in Saguenay-Lac-Saint-Jean and everywhere else in Canada? What solutions do the supporters of the mayor of Saguenay's position have to propose that would guarantee protection of our cultural identities, our political autonomy and our economic health? What place do the Innu people have in the region, in their view? The fact is that the Innu, like all of the other Aboriginal people in the country, bother no one as long as they do not speak up, as long as they accept the Indian reserve designated for them, as long as they don't make any waves on the region's political scene. They can remain a kind of negative exception forever. This is justified by the argument that those who want to leave can do so. All they need to do is fade into the woodwork, one at a time, good citizens all, with no regard for their ancestral origins, for their deepest being, for their aspirations, highly legitimate though they may be.

If they speak out collectively, they are seen as threatening solidarity, if not justice itself. Whose solidarity? Whose justice? How could it be that a cultural group with an identity recognized by the Constitution of this country would not have the right to make any sort of demands as a specific group? Could the opponents' argument not go this far? Could the Canadian government be wrong in its interpretation of Aboriginal rights? And on it goes, always demeaning the image of Aboriginal people, who are seen as nothing but demanding abusers of public charity. How is it that we have reached this point almost everywhere in the country? And, more important, how is it that we have not yet got beyond it?

• (1720)

Unfortunately, most Canadians know nothing of the first inhabitants of their country, historically, culturally, economically or demographically. How could they understand and accept the new agreements and realize they are justified? How could they make any informed judgment?

[English]

In this context, until the reality of our First Nations is properly covered in the school texts and curriculum of our young Canadians — that is, as stakeholders in the social, political and historical reality of this country — this question should never be addressed unless there is a constant concern and a real effort to properly inform the entire population.

[Translation]

Appropriate communication strategies must be put in place. Ignorance must be overcome by sustained educational and information campaigns, not just starting with the content of the agreements and limited to that, but also and, most important, on the first nations themselves, from the historical point of view, and also in the present context. As long as the historical reality of the first peoples has not been restored, as long as they are not better known by their fellow citizens, they will find it extremely difficult to win public opinion over, as far as the justification of their

demands is concerned. The issues involved are too emotional for any areas to be left in the shadows. Light must be cast on the entire situation. Honesty and courage are required, along with integrity. Responsibility must begin with political leaders. Is it normal for there to be virtually no communications budget in circumstances that are so crucial for the first peoples? Yet we, in politics, are well aware that people never react well to the unknown. Unfortunately, however, this is the situation as the public is confronted with the reality of first people's rights. They are just waking up, and very late, as they note the changes and envisage the consequences. Then a desire to be consulted is expressed, and solutions improvised. Either Indians are declared non-existent, or to have too many rights, or they are rich pariahs, or lobbyists. They go so far as to dare to turn their backs on all historical truths and to state that the whites are the ones to be sympathized with, and the Indians have everything. Pathetic statements all. The first peoples have been dispossessed. They are neither seeking nor obtaining any privileges. All that they are demanding, based on their rights, is the means to resume responsibility for themselves.

In this context, the equality the mayor of Saguenay is seeking to defend at any price, far from being compromised by application of a particular model for the Aboriginal people, can at last be established. We agree, obviously, that all citizens are equal in the eyes of the State. There are 31 million Canadians, all with the same rights and duties. This is a fundamental principle, an inviolable principle in a true democracy. Within those universal rights, however, there is a duty to consider certain differences. This is the case for francophone or anglophone minorities in the provinces, which illustrate the prevalence of inalienable collective rights. This is so because the French and the English are considered two founding peoples. Here, like Mayor Tremblay, there is not only no recognition of the undeniable historical reality of the Aboriginals as a founding people, but, as well, no recognition of the collective ancestral and Aboriginal rights expressly recognized in the Constitution patriated in 1982.

The Innu cultural identity has its place in the future of a region, a province of the state. As First Peoples, we have a duty to assume the right to self-government, to restore our unity, diminished by the act, by Indian Affairs' policies, by provincial boundaries, by powers that have been shared over our heads! Who are the Innu? This fundamental question needs to be answered. Why are the Innu seen as outsiders in Saguenay-Lac-Saint-Jean, a land of which they have been dispossessed? Why are they seen as a threat, a lesser breed? It can only be because they are considered nothing more than individuals with serial numbers, members of federal bands that belong to the federal government, whose lands never were really theirs; it is all make-believe. Yet denial of a people is a true scandal.

The future must bring recognition, correction, reparation. The future must bring a sharing of resources, of space, of wealth. The future must be one shared future. The Innu government is in the process of rebirth. It must be helped in that birth. The Common Approach with a part of the Innu people can be improved, of course, and our leaders acknowledge this. To do so, however, requires good faith. The discussion has been thrown open. If there is dialogue, solutions will be within our reach.

Positions like the mayor of Saguenay's are not conducive to any exchange of views. We must admit, moreover, that this harsh reality is the same across Canada. People are closing their eyes, looking no further than their own interests.

[Senator Gill]

[English]

The Hon. the Speaker: Senator Gill, I regret to advise that your 15 minutes have expired.

Senator Gill: I would seek time to continue.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

[Translation]

Senator Gill: I am almost finished. As long as this country does not have the political will to truly recognize aboriginal peoples, they will continue to be humiliated and considered non-existent, just flies in the ointment, or isolated bands under Indian Affairs' responsibility. Their claims will be stifled in a flow of legal mumbo-jumbo, in legal hair-splitting, in a scattered approach, in harmful ideologies. Honourable senators, we are not Indian Affairs' Indians, not bands created by the Indian Act, not privileged members of society. We are Peoples. History has denied our existence, the bureaucracy has crushed us, the federal government has divided us, spread us thin, reduced us to residents of Indian reserves in the very heart of our own lands, the provinces have ignored us, Canadian citizens have ignored us even more. When we seek the reality of the First Peoples, we discover what a sad reality it is, a reality lived out daily within the borders of this country. We have no choice, therefore, but to object most strenuously to the dishonest argument of the mayor of Saguenay, who chooses to ignore reality in order to justify his position. His position is exemplary, but as an example of what not to do. It ought to serve as an example to all Canadians of what not to say, what not to use as an argument, what not to uphold as a position, when there is a collective intention to initiate any meaningful dialogue on issues of such a difficult nature, of such great importance.

History has its limitations. I will be coming back to you on this issue as often as it takes. Reclaiming our rightful position in the landscape is not an easy thing to do. It will take a lot of work, a lot of working together. Solutions are not ready-made, not all simple. Fortunately, I know that some of you already support action toward improving relations. Others, too, are already involved; support has been forthcoming from some political leaders, labour unions, associations, and other institutions. Now it needs to extend to public opinion as a whole. Now it needs to permeate the political, economic and social life of the First Peoples of Canada.

I intend to be sharing my views with you on aboriginal self-government in the very near future. I can assure you that, when the First Peoples have finally achieved the autonomy that is so dear to their hearts, the people of Canada will, far from being disadvantaged as a result, be able to benefit from an unexpected and great advantage, as those who first welcomed them to this country regain their full identity.

[English]

Hon. Charlie Watt: Honourable senators, I should like to adjourn the debate in my name, but I should like to ask a few questions before that.

The Hon. the Speaker: Senator Gill, will you take a few questions?

Senator Gill: Certainly.

Senator Watt: Honourable senators, I have lived through a similar proceeding in the past: that is, inheriting a politically negotiated tax. That is what Senator Gill is talking about — a matter that has been negotiated between the federal and provincial governments and the representatives of his own Aboriginal people. I know, for a fact, that that is not in there. What is the next step that your people will take in terms of validating that agreement at the provincial level and also the federal level? I am talking about future legislation that would put life into that agreement. Could the honourable senator give me some indication of what is happening?

[Translation]

Senator Gill: If I understand the agreement process and planning correctly, it is absolutely necessary to ratify this federal-provincial agreement.

• (1730)

The problem is to get there. Negotiations have been going on for a very long time, almost 27 or 28 years. The process is very hard to follow for people who sometimes have more or less the means to do so. Moreover, these means are usually provided by the federal government. This does not help negotiations, which can move forward or slow down, depending on the number of obstacles. The same thing happened with the Inuit and the James Bay Cree. We are headed for an agreement signed by the provincial and federal governments.

[English]

Senator Watt: On the Aboriginal side, Senator Gill, has this agreement been ratified by your people?

[Translation]

Senator Gill: No. We were about to ratify an agreement in principle, but when the time came to submit that agreement to the three parties, there was a lot of criticism from the public. The Quebec government then decided to hold public hearings and conduct studies on the various issues included in the agreement in principle. The agreements have not been signed. I assume that the public hearings will resume after the provincial election.

[English]

Senator Watt: Honourable senators, I would like to adjourn the debate in my name. This is a matter on which honourable senators should focus. It is something which our native peoples are living through. Thus, it is important that it be given some attention by the Senate.

On motion of Senator Watt, debate adjourned.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Terry Stratton, for Senator Murray, pursuant to notice of February 27, 2003, moved:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

The Senate adjourned until Wednesday, March 19, 2003, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(March 18, 2003)

| | |
|-------------------------------|--|
| The Right Hon. Jean Chrétien | Prime Minister |
| The Hon. David M. Collenette | Minister of Transport |
| The Hon. David Anderson | Minister of the Environment |
| The Hon. Ralph E. Goodale | Minister of Public Works and Government Services |
| | Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians |
| The Hon. Sheila Copps | Minister of Canadian Heritage |
| The Hon. John Manley | Deputy Prime Minister, Minister of Finance and Minister of Infrastructure |
| The Hon. Anne McLellan | Minister of Health |
| The Hon. Allan Rock | Minister of Industry |
| The Hon. Lucienne Robillard | President of the Treasury Board |
| The Hon. Martin Cauchon | Minister of Justice and Attorney General of Canada |
| The Hon. Jane Stewart | Minister of Human Resources Development |
| The Hon. Stéphane Dion | President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs |
| The Hon. Pierre Pettigrew | Minister of International Trade |
| The Hon. Don Boudria | Leader of the Government in the House of Commons |
| The Hon. Lyle Vancilief | Minister of Agriculture and Agri-Food |
| The Hon. Herb Dhaliwal | Minister of Natural Resources |
| The Hon. Claudette Bradshaw | Minister of Labour |
| The Hon. Robert Daniel Nault | Minister of Indian Affairs and Northern Development |
| The Hon. Elinor Caplan | Minister for National Revenue |
| The Hon. Denis Coderre | Minister of Citizenship and Immigration |
| The Hon. Sharon Carstairs | Leader of the Government in the Senate |
| The Hon. Robert G. Thibault | Minister of Fisheries and Oceans |
| The Hon. Rey Pagtakhan | Minster of Veterans Affairs and Secretary of State (Science, Research and Development) |
| The Hon. Susan Whelan | Minister for International Cooperation |
| The Hon. William Graham | Minister of Foreign Affairs |
| The Hon. Gerry Byrne | Minister of State (Atlantic Canada Opportunities Agency) |
| The Hon. John McCallum | Minister of National Defence |
| The Hon. Wayne Easter | Solicitor General of Canada |
| The Hon. Ethel Blondin-Andrew | Secretary of State (Children and Youth) |
| The Hon. David Kilgour | Secretary of State (Asia-Pacific) |
| The Hon. Andrew Mitchell | Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario) |
| The Hon. Maurizio Bevilacqua | Secretary of State (International Financial Institutions) |
| The Hon. Paul DeVillers | Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons |
| The Hon. Gar Knutson | Secretary of State (Central and Eastern Europe and Middle East) |
| The Hon. Denis Paradis | Secretary of State (Latin America and Africa) (Francophonie) |
| The Hon. Claude Drouin | Secretary of State (Economic Development Agency of Canada for the Regions of Quebec) |
| The Hon. Stephen Owen | Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development) |
| The Hon. Jean Augustine | Secretary of State (Multiculturalism)(Status of Women) |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(March 18, 2003)

| Senator | Designation | Post Office Address |
|-------------------------------------|-----------------------------|-------------------------|
| THE HONOURABLE | | |
| Herbert O. Sparrow | Saskatchewan | North Battleford, Sask. |
| Edward M. Lawson | Vancouver | Vancouver, B.C. |
| Bernard Alasdair Graham, P.C. | The Highlands | Sydney, N.S. |
| Jack Austin, P.C. | Vancouver South | Vancouver, B.C. |
| Willie Adams | Nunavut | Rankin Inlet, Nunavut |
| Lowell Murray, P.C. | Pakenham | Ottawa, Ont. |
| C. William Doody | Harbour Main-Bell Island | St. John's, Nfld. |
| Peter Alan Stollery | Bloor and Yonge | Toronto, Ont. |
| Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa, Ont. |
| E. Leo Kolber | Victoria | Westmount, Que. |
| Michael Kirby | South Shore | Halifax, N.S. |
| Jerahmiel S. Grafstein | Metro Toronto | Toronto, Ont. |
| Anne C. Cools | Toronto-Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuuaq, Que. |
| Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary, Alta. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Eymard Georges Corbin | Grand-Sault | Grand-Sault, N.B. |
| Brenda Mary Robertson | Riverview | Shediac, N.B. |
| Norman K. Atkins | Markham | Toronto, Ont. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. |
| Eileen Rossiter | Prince Edward Island | Charlottetown, P.E.I. |
| Mira Spivak | Manitoba | Winnipeg, Man. |
| Roch Bolduc | Gulf | Sainte-Foy, Que. |
| Gérald-A. Beaudoin | Rigaud | Hull, Que. |
| Pat Carney, P.C. | British Columbia | Vancouver, B.C. |
| Gerald J. Comeau | Nova Scotia | Church Point, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | Nova Scotia | Halifax, N.S. |
| Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton, N.B. |
| John Buchanan, P.C. | Nova Scotia | Halifax, N.S. |
| John Lynch-Staunton | Grandville | Georgeville, Que. |
| James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie, Ont. |
| J. Trevor Eyton | Ontario | Caledon, Ont. |
| Wilbert Joseph Keon | Ottawa | Ottawa, Ont. |
| Michael Arthur Meighen | St. Marys | Toronto, Ont. |
| J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth, N.S. |
| Janis G. Johnson | Winnipeg-Interlake | Gimli, Man. |
| A. Raynell Andreychuk | Regina | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| Marcel Prud'homme, P.C. | La Salle | Montreal, Que. |
| Leonard J. Gustafson | Saskatchewan | Macoun, Sask. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |

| Senator | Designation | Post Office Address |
|-----------------------------|------------------------------------|-----------------------------------|
| David Angus | Alma | Montreal, Que. |
| Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton | Ontario | Manotick, Ont. |
| erry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| se Bacon | De la Durantaye | Laval, Que. |
| aron Carstairs, P.C. | Manitoba | Victoria Beach, Man. |
| ndon Pearson | Ontario | Ottawa, Ont. |
| an-Robert Gauthier | Ottawa-Vanier | Ottawa, Ont. |
| hn G. Bryden | New Brunswick | Bayfield, N.B. |
| se-Marie Losier-Cool | Tracadie | Bathurst, N.B. |
| line Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| William H. Rompkey, P.C. | Labrador | North West River, Labrador, Nfld. |
| orna Milne | Peel County | Brampton, Ont. |
| arie-P. Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |
| irley Maheu | Rougemont | Saint-Laurent, Que. |
| ilfred P. Moore | Stanhope St./Bluenose | Chester, N.S. |
| icie Pépin | Shawinigan | Montreal, Que. |
| ernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| atherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| arisa Ferretti Barth | Repentigny | Pierrefonds, Que. |
| erge Joyal, P.C. | Kennebec | Montreal, Que. |
| helma J. Chalifoux | Alberta | Morinville, Alta. |
| an Cook | Newfoundland and Labrador | St. John's, Nfld. |
| oss Fitzpatrick | Okanagan-Similkameen | Kelowna, B.C. |
| ancis William Mahovlich | Toronto | Toronto, Ont. |
| chard H. Kroft | Manitoba | Winnipeg, Man. |
| ouglas James Roche | Edmonton | Edmonton, Alta. |
| an Thorne Fraser | De Lorimier | Montreal, Que. |
| arélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue, Que. |
| viennne Poy | Toronto | Toronto, Ont. |
| ne Christensen | Yukon Territory | Whitehorse, Y.T. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. |
| ck G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| obel Finnerty | Ontario | Burlington, Ont. |
| hn Wiebe | Saskatchewan | Swift Current, Sask. |
| ommy Banks | Alberta | Edmonton, Alta. |
| ne Cordy | Nova Scotia | Dartmouth, N.S. |
| aymond C. Setlakwe | The Laurentides | Thetford Mines, Que. |
| ves Morin | Lauzon | Quebec, Que. |
| izabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| urrier L. LaPierre | Ontario | Ottawa, Ont. |
| ola Léger | Acadie/New Brunswick | Moncton, N.B. |
| obina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| an Lapointe | Saurel | Magog, Que. |
| erard A. Phalen | Nova Scotia | Glace Bay, N.S. |
| seph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| ichel Biron | Mille Isles | Nicolet, Que. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. |
| aymond Lavigne | Montarville | Verdun, Que. |
| avid P. Smith, P.C. | Cobourg | Toronto, Ont. |
| aria Chaput | Manitoba | Sainte-Anne, Man. |
| ina Merchant | Saskatchewan | Regina, Sask. |
| errette Ringuette | New Brunswick | Edmundston, N.B. |

SENATORS OF CANADA

ALPHABETICAL LIST

(March 18, 2003)

| Senator | Designation | Post Office Address | Political Affiliation |
|--------------------------------------|---------------------------------|----------------------------------|-----------------------|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Lib |
| Andreychuk, A. Raynell | Regina | Regina, Sask. | PC |
| Angus, W. David | Alma | Montreal, Que. | PC |
| Atkins, Norman K. | Markham | Toronto, Ont. | PC |
| Austin, Jack, P.C. | Vancouver South | Vancouver, B.C. | Lib |
| Bacon, Lise | De la Durantaye | Laval, Que. | Lib |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander Nfld. | Lib |
| Banks, Tommy | Alberta | Edmonton, Alta. | Lib |
| Beaudoin, Gérard-A. | Rigaud | Hull, Que. | PC |
| Biron, Michel | Mille Isles | Nicolet, Que. | Lib |
| Bolduc, Roch | Gulf | Sainte-Foy, Que. | PC |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Lib |
| Buchanan, John, P.C. | Halifax | Halifax, N.S. | PC |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Lib |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | PC |
| Carstairs, Sharon, P.C. | Manitoba | Victoria Beach, Man. | Lib |
| Chalifoux, Thelma J. | Alberta | Morinville, Alta. | Lib |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Lib |
| Christensen, Ione | Yukon Territory | Whitehorse, Y.T. | Lib |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. | PC |
| Comeau, Gerald J. | Nova Scotia | Church Point, N.S. | PC |
| Cook, Joan | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Cools, Anne C. | Toronto-Centre-York | Toronto, Ont. | Lib |
| Corbin, Eymard Georges | Grand-Sault | Grand-Sault, N.B. | Lib |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Lib |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Lib |
| De Bané, Pierre, P.C. | De la Vallière | Montreal, Que. | Lib |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | PC |
| Doody, C. William | Harbour Main-Bell Island | St. John's, Nfld. | PC |
| Eyton, J. Trevor | Ontario | Caledon, Ont. | PC |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Lib |
| Ferretti Barth, Marisa | Repentigny | Pierrefonds, Que. | Lib |
| Finnerty, Isobel | Ontario | Burlington, Ont. | Lib |
| Fitzpatrick, Ross | Okanagan-Similkameen | Kelowna, B.C. | Lib |
| Forrestall, J. Michael | Dartmouth and the Eastern Shore | Dartmouth, N.S. | PC |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Lib |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Gauthier, Jean-Robert | Ottawa-Vanier | Ottawa, Ont. | Lib |
| Gill, Aurélien | Wellington | Mashteuiatsh, Pointe-Bleue, Que. | Lib |
| Grafstein, Jeremiah S. | Metro Toronto | Toronto, Ont. | Lib |
| Graham, Bernard Alasdair, P.C. | The Highlands | Sydney, N.S. | Lib |
| Gustafson Leonard J. | Saskatchewan | Macoun, Sask. | PC |
| Hays, Daniel Phillip, <i>Speaker</i> | Calgary | Calgary, Alta. | Lib |
| Hervieux-Payette, Céline, P.C. | Bedford | Montreal, Que. | Lib |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Lib |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Lib |

| Senator | Designation | Post Office Address | Political Affiliation |
|---------------------------------|------------------------------------|-----------------------------------|-----------------------|
| Johnson, Janis G. | Winnipeg-Interlake | Gimli, Man. | PC |
| Kyal, Serge, P.C. | Kennebec | Montreal, Que. | Lib |
| Leclerc, James Francis, P.C. | Ontario | Sault Ste. Marie, Ont. | PC |
| LeMay, Colin | Rideau | Ottawa, Ont. | Lib |
| LeMon, Wilbert Joseph | Ottawa | Ottawa, Ont. | PC |
| Lesella, Noël A. | Fredericton-York-Sunbury | Fredericton, N.B. | PC |
| Levy, Michael | South Shore | Halifax, N.S. | Lib |
| Libber, E. Leo | Victoria | Westmount, Que. | Lib |
| Lof, Richard H. | Manitoba | Winnipeg, Man. | Lib |
| Pierre, Laurier L. | Ontario | Ottawa, Ont. | Lib |
| Loizeau, Jean | Saurel | Magog, Que. | Lib |
| Lovigne, Raymond | Montarville | Verdun, Que. | Lib |
| Lowson, Edward M. | Vancouver | Vancouver, B.C. | Ind |
| Breton, Marjory | Ontario | Manotick, Ont. | PC |
| Luger, Viola | Acadie/New Brunswick | Moncton, N.B. | Lib |
| Lussier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Lib |
| MacDonald-Staunton, John | Grandville | Georgetown, Que. | PC |
| MacLachlan, Shirley | Rougemont | Saint-Laurent, Que. | Lib |
| MacLachlan, Francis William | Toronto | Toronto, Ont. | Lib |
| MacLachlan, Michael Arthur | St. Marys | Toronto, Ont. | PC |
| MacLachlan, Pana | Saskatchewan | Regina, Sask. | Lib |
| MacLachlan, Lorna | Peel County | Brampton, Ont. | Lib |
| MacLachlan, Wilfred P. | Stanhope St./Bluenose | Chester, N.S. | Lib |
| MacLachlan, Yves | Lauzon | Quebec, Que. | Lib |
| MacLachlan, Lowell, P.C. | Pakenham | Ottawa, Ont. | PC |
| MacLachlan, Pierre Claude | De Salaberry | Quebec, Que. | PC |
| MacLachlan, Donald H. | Nova Scotia | Halifax, N.S. | PC |
| MacLachlan, Landon | Ontario | Ottawa, Ontario | Lib |
| MacLachlan, Lucie | Shawinigan | Montreal, Que. | Lib |
| MacLachlan, Gerard A. | Nova Scotia | Gloucester, N.S. | Lib |
| MacLachlan, Peter Michael, P.C. | Ottawa-Vanier | Ottawa, Ont. | Ind |
| MacLachlan, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Lib |
| MacLachlan, Vivienne | Toronto | Toronto, Ont. | Lib |
| MacLachlan, Marcel, P.C. | La Salle | Montreal, Que. | Ind |
| MacLachlan, Pierrette | New Brunswick | Edmundston, N.B. | Lib |
| MacLachlan, Jean-Claude | Stadacona | Quebec, Que. | PC |
| MacLachlan, Brenda Mary | Riverview | Shediac, N.B. | PC |
| MacLachlan, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Lib |
| MacLachlan, Douglas James | Edmonton | Edmonton, Alta. | Ind |
| MacLachlan, William H., P.C. | Labrador | North West River, Labrador, Nfld. | Lib |
| MacLachlan, Eileen | Prince Edward Island | Charlottetown, P.E.I. | PC |
| MacLachlan, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | CA |
| MacLachlan, Raymond C. | The Laurentides | Thetford Mines, Que. | Lib |
| MacLachlan, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Lib |
| MacLachlan, David P., P.C. | Cobourg | Toronto, Ont. | Lib |
| MacLachlan, Herbert O. | Saskatchewan | North Battleford, Sask. | Lib |
| MacLachlan, Mira | Manitoba | Winnipeg, Man. | PC |
| MacLachlan, Peter Alan | Bloor and Yonge | Toronto, Ont. | Lib |
| MacLachlan, Terrance R. | Red River | St. Norbert, Man. | PC |
| MacLachlan, David | Saskatchewan | Saskatoon, Sask. | PC |
| MacLachlan, Charlie | Inkerman | Kuujuuaq, Que. | Lib |
| MacLachlan, John. | Saskatchewan | Swift Current, Sask. | Lib |

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(March 18, 2003)

ONTARIO—24

| Senator | Designation | Post Office Address |
|--------------------------------|---------------------|---------------------|
| THE HONOURABLE | | |
| 1 Lowell Murray, P.C. | Pakenham | Ottawa |
| 2 Peter Alan Stollery | Bloor and Yonge | Toronto |
| 3 Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa |
| 4 Jeremiah S. Grafstein | Metro Toronto | Toronto |
| 5 Anne C. Cools | Toronto-Centre-York | Toronto |
| 6 Colin Kenny | Rideau | Ottawa |
| 7 Norman K. Atkins | Markham | Toronto |
| 8 Consiglio Di Nino | Ontario | Downsview |
| 9 James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie |
| 10 John Trevor Eyton | Ontario | Caledon |
| 11 Wilbert Joseph Keon | Ottawa | Ottawa |
| 12 Michael Arthur Meighen | St. Marys | Toronto |
| 13 Marjory LeBreton | Ontario | Manotick |
| 14 Landon Pearson | Ontario | Ottawa |
| 15 Jean-Robert Gauthier | Ottawa-Vanier | Ottawa |
| 16 Lorna Milne | Peel County | Brampton |
| 17 Marie-P. Poulin | Northern Ontario | Ottawa |
| 18 Francis William Mahovlich | Toronto | Toronto |
| 19 Vivienne Poy | Toronto | Toronto |
| 20 Isobel Finnerty | Ontario | Burlington |
| 21 Laurier L. LaPierre | Ontario | Ottawa |
| 22 David P. Smith, P.C. | Cobourg | Toronto |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|--|---------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 E. Leo Kolber | Victoria | Westmount |
| 2 Charlie Watt | Inkerman | Kuujuaq |
| 3 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 4 Roch Bolduc | Gulf | Sainte-Foy |
| 5 Gérard-A. Beaudoin | Rigaud | Hull |
| 6 John Lynch-Staunton | Grandville | Georgeville |
| 7 Jean-Claude Rivest | Stadacona | Quebec |
| 8 Marcel Prud'homme, P.C. | La Salle | Montreal |
| 9 W. David Angus | Alma | Montreal |
| 10 Pierre Claude Nolin | De Salaberry | Quebec |
| 11 Lise Bacon | De la Durantaye | Laval |
| 12 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 13 Shirley Maheu | Rougemont | Ville de Saint-Laurent |
| 14 Lucie Pépin | Shawinigan | Montreal |
| 15 Marisa Ferretti Barth | Repentigny | Pierrefonds |
| 16 Serge Joyal, P.C. | Kennebec | Montreal |
| 17 Joan Thorne Fraser | De Lorimier | Montreal |
| 18 Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue |
| 19 Raymond C. Setlakwe | The Laurentides | Thetford Mines |
| 20 Yves Morin | Lauzon | Quebec |
| 21 Jean Lapointe | Sauvel | Magog |
| 22 Michel Biron | Milles Isles | Nicolet |
| 23 Raymond Lavigne | Montarville | Verdun |
| 24 | De Lanaudière | |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------------------------|-----------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Bernard Alasdair Graham, P.C. | The Highlands | Sydney |
| 2 Michael Kirby | South Shore | Halifax |
| 3 Gerald J. Comeau | Nova Scotia | Church Point |
| 4 Donald H. Oliver | Nova Scotia | Halifax |
| 5 John Buchanan, P.C. | Halifax | Halifax |
| 6 J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth |
| 7 Wilfred P. Moore | Stanhope St./Bluenose | Chester |
| 8 Jane Cordy | Nova Scotia | Dartmouth |
| 9 Gerard A. Phalen | Nova Scotia | Glace Bay |
| 10 ..... | ..... | ..... |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|--------------------------------|--------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eymard Georges Corbin | Grand-Sault | Grand-Sault |
| 2 Brenda Mary Robertson | Riverview | Shediac |
| 3 Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton |
| 4 John G. Bryden | New Brunswick | Bayfield |
| 5 Rose-Marie Losier-Cool | Tracadie | Bathurst |
| 6 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 7 Viola Léger | Acadie/New Brunswick | Moncton |
| 8 Joseph A. Day | Saint John-Kennebecasis | Hampton |
| 9 Pierrette Ringuette | New Brunswick | Edmundston |
| 10 ..... | ..... | ..... |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------------|----------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eileen Rossiter | Prince Edward Island | Charlottetown |
| 2 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 3 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 4 ..... | ..... | ..... |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|----------------------------------|------------------------------|----------------|
| 1 Mira Spivak | Manitoba | Winnipeg |
| 2 Janis G. Johnson | Winnipeg-Interlake | Gimli |
| 3 Terrance R. Stratton | Red River | St. Norbert |
| 4 Sharon Carstairs, P.C. | Manitoba | Victoria Beach |
| 5 Richard H. Kroft | Manitoba | Winnipeg |
| 6 Maria Chaput | Manitoba | Sainte-Anne |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|-----------------------------------|--------------------------------------|-----------------|
| 1 Edward M. Lawson | Vancouver | Vancouver |
| 2 Jack Austin, P.C. | Vancouver South | Vancouver |
| 3 Pat Carney, P.C. | British Columbia | Vancouver |
| 4 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 5 Ross Fitzpatrick | Okanagan-Similkameen | Kelowna |
| 6 Mobina S.B. Jaffer | British Columbia | North Vancouver |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|-----------------------------------|------------------------|------------------|
| 1 Herbert O. Sparrow | Saskatchewan | North Battleford |
| 2 A. Raynell Andreychuk | Regina | Regina |
| 3 Leonard J. Gustafson | Saskatchewan | Macoun |
| 4 David Tkachuk | Saskatchewan | Saskatoon |
| 5 John Wiebe | Saskatchewan | Swift Current |
| 6 Pana Merchant | Saskatchewan | Regina |

ALBERTA—6

| Senator | Designation | Post Office Address |
|---------|-------------|---------------------|
|---------|-------------|---------------------|

THE HONOURABLE

| | | |
|---|----------------------|------------|
| 1 Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary |
| 2 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 Thelma J. Chalifoux | Alberta | Morinville |
| 4 Douglas James Roche | Edmonton | Edmonton |
| 5 Tommy Banks | Alberta | Edmonton |
| 6 | | |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|------------------------------------|-------------------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 C. William Doody | Harbour Main-Bell Island | St. John's |
| 2 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 3 William H. Rompkey, P.C. | Labrador | North West River, Labrador |
| 4 Joan Cook | Newfoundland and Labrador | St. John's |
| 5 George Furey | Newfoundland and Labrador | St. John's |
| 6 George S. Baker, P.C. | Newfoundland and Labrador | Gander |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|-------------------------------|---------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|--------------------------|-------------------|---------------------|
| THE HONOURABLE | | |
| 1 Willie Adams | Nunavut | Rankin Inlet |

YUKON TERRITORY—1

| Senator | Designation | Post Office Address |
|------------------------------|---------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Ione Christensen | Yukon Territory | Whitehorse |

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of March 18, 2003)

Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

| | | | |
|----------------|--------------|-------------------|------------|
| Carney, | Chaput, | Leger, | Sibbeston, |
| Carstairs, | Christensen, | * Lynch-Staunton, | Stratton, |
| (or Robichaud) | Gill, | (or Kinsella) | Tkachuk. |
| Chalifoux, | Johnson, | Pearson, | |

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

| | | | |
|----------------|------------|-------------------|------------|
| Carstairs, | Fairbairn, | LeBreton, | Ringuette, |
| (or Robichaud) | Gustafson, | * Lynch-Staunton, | Tkachuk, |
| Chalifoux, | Hubley, | (or Kinsella) | Wiebe. |
| Day, | LaPierre, | Oliver, | |

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

| | | | |
|----------------|-------------------|-------------------|-------------|
| Angus, | Fitzpatrick, | Kroft, | Moore, |
| Carson, | Hervieux-Payette, | * Lynch-Staunton, | Prud'homme, |
| Carstairs, | Kelleher, | (or Kinsella) | Setlakwe, |
| (or Robichaud) | Kolber, | Meighen, | Tkachuk. |

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

| | | | |
|----------------|--------------|-------------------|---------|
| Baker, | Christensen, | Kenny, | Milne, |
| Banks, | Cochrane, | * Lynch-Staunton, | Spivak, |
| Buchanan, | Eyton, | (or Kinsella) | Watt. |
| * Carstairs, | Finnerty, | Merchant, | |
| (or Robichaud) | | | |

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

| | | | |
|----------------|-----------|-------------------|----------|
| Adams, | Cochrane, | Johnson, | Meighen, |
| Baker, | Comeau, | * Lynch-Staunton, | Phalen, |
| * Carstairs, | Cook, | (or Kinsella) | Watt. |
| (or Robichaud) | Hubley, | Mahovlich, | |

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

| | | | |
|-------------|----------------|--------------|-------------------|
| Andreychuk, | * Carstairs, | Di Nino, | * Lynch-Staunton, |
| Austin, | (or Robichaud) | Grafstein, | (or Kinsella) |
| Bolduc, | Corbin, | Graham, | Setlakwe, |
| Carney, | De Bané, | Losier-Cool, | Stollery. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

Honourable Senators:

| | | | |
|-----------------|-----------|-------------------|-----------|
| Beaudoin, | Fraser, | * Lynch-Staunton, | Poy, |
| Carstairs, | Jaffer, | (or Kinsella) | Rivest, |
| (or Robichaud) | LaPierre, | Maheu, | Rossiter. |
| Ferretti Barth, | | | |

Original Members as nominated by the Committee of Selection

*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,
Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Interim Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|---------|----------------|-----------|-------------------|
| Angus, | Bryden, | Gauthier, | * Lynch-Staunton, |
| Atkins, | * Carstairs, | Gill, | (or Kinsella) |
| Austin, | (or Robichaud) | Jaffer, | Poulin, |
| Bacon, | De Bané, | Kroft, | Robichaud, |
| Bolduc, | Eyton, | | Stratton. |

Original Members as nominated by the Committee of Selection

*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,
Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

| | | | |
|-------------|----------------|-------------------|-----------|
| Andreychuk, | * Carstairs, | Jaffer, | Nolin, |
| Baker, | (or Robichaud) | Joyal, | Pearson, |
| Beaudoin, | Cools, | * Lynch-Staunton, | Smith, |
| Bryden, | Furey, | (or Kinsella) | Stratton. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey,
Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

| | | | |
|-------------|-----------|--------|------|
| Bolduc, | Lapointe, | Morin, | Poy. |
| Forrestall, | | | |

*Original Members agreed to by Motion of the Senate**Bolduc, Forrestall, Lapointe, Morin, Poy.*

NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

| | | | |
|----------------|---------|-----------|-------------------|
| Biron, | Comeau, | Doody, | * Lynch-Staunton, |
| Bolduc, | Cook, | Furey, | (or Kinsella) |
| * Carstairs, | Cools, | Gauthier, | Milne, |
| (or Robichaud) | Day, | Hubley, | Murray. |

*Original Members as nominated by the Committee of Selection**Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty, Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

| | | | |
|----------------|-------------|-------------------|----------|
| Atkins, | Cordy, | Kenny, | Meighen, |
| Banks, | Day, | * Lynch-Staunton, | Smith, |
| * Carstairs, | Forrestall, | (or Kinsella) | Wiebe. |
| (or Robichaud) | | | |

*Original Members as nominated by the Committee of Selection**Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,
Carstairs,
(or Robichaud)

Day,
Kenny,

* Lynch-Staunton,
(or Kinsella)

Meighen,
Wiebe.

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Beaudoin,
Carstairs,
(or Robichaud)
Chaput,

Comeau,
Gauthier,
Keon,

Lapointe,
Léger,
Losier-Cool,

* Lynch-Staunton,
(or Kinsella)
Maheu.

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe,
Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,
Carstairs,
(or Robichaud)
Di Nino,
Fraser,

Grafstein,
Hubley,
Joyal,
* Lynch-Staunton,
(or Kinsella)

Milne,
Murray,
Pépin,
Ringuette,
Robertson,

Rompkey,
Smith,
Stratton,
Wiebe.

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool,
*Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson,
Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Hervieux-Payette

Vice-Chair:

Honourable Senators:

| | | | |
|---------|-------------------|-----------|---------|
| Biron, | Hervieux-Payette, | Merchant, | Nolin, |
| Chaput, | Kelleher, | Moore, | Phalen. |

Original Members as agreed to by Motion of the Senate

Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.

SELECTION

Chair: Honourable Senator Rompkey

Interim Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|----------------|------------|-------------------|-----------|
| Biron, | De Bané, | Kolber, | Rompkey, |
| * Carstairs, | Fairbairn, | LeBreton, | Stratton, |
| (or Robichaud) | Kinsella, | * Lynch-Staunton, | Tkachuk. |
| | | (or Kinsella) | |

Original Members agreed to by Motion of the Senate

*Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

| | | | |
|----------------|------------|-----------|-------------------|
| Callbeck, | Cordy, | Kinsella, | * Lynch-Staunton, |
| * Carstairs, | Di Nino, | Kirby, | (or Kinsella) |
| (or Robichaud) | Fairbairn, | LeBreton, | Morin, |
| Cook, | Keon, | Léger, | Roche. |

Original Members as nominated by the Committee of Selection

*Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

| | | | |
|----------------|---------|-------------------|------------|
| Adams, | Day, | Gustafson, | Phalen, |
| Callbeck, | Eyton, | Johnson, | Ringuette, |
| Carstairs, | Fraser, | LaPierre, | Spivak. |
| (or Robichaud) | Graham, | * Lynch-Staunton, | |
| | | (or Kinsella) | |

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre,*Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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CANADA

Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 41

OFFICIAL REPORT
(HANSARD)

Wednesday, March 19, 2003

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, March 19, 2003

The Senate met at 1:30 p.m., the Acting Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 19, 2003

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 19th day of March, 2003, at 10:01 a.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to, Wednesday, March 19, 2003:

An Act to promote physical activity and sport (*Bill C-12, Chapter 2, 2003*).

[English]

SENATORS' STATEMENTS

INTERNATIONAL CRIMINAL COURT

INAUGURAL CEREMONY

Hon. A. Raynell Andreychuk: Honourable senators, on March 11, 2003, the International Criminal Court, ICC, held its inaugural ceremony, thus marking an important date for both the international community in its efforts to eliminate gross violations of human rights wherever they may occur, and also for Canada. The panel of 18 judges of the court selected, from amongst their peers, Philippe Kirsch, a respected Canadian diplomat and legal expert, to be the first President of the International Criminal Court. The 18 people elected to the court, upon taking oath at the swearing-in ceremony last week, formally took-up office as judges of the International Criminal Court.

As of March 11, 2003, 89 countries had joined the International Criminal Court. These 89 members are expected to select a prosecutor at the end of April of this year. Once this step has been taken, the court will be able to investigate and prosecute individuals accused of crimes against humanity, genocide and war crimes in those countries that are party to the Rome Statute, which created the court. The ICC is to complement existing national legal systems and will only prosecute individuals in cases where national courts are unwilling or unable to investigate or prosecute such crimes.

The International Criminal Court represents an important development for international law in combating impunity. It is an honour for Canada to see one of our own chosen to be the first president of an institution that has the potential of playing a key role in bringing to justice those found guilty of crimes against humanity, genocide and war crimes.

WOMEN'S INSTITUTE OF PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, I rise today to recognize the members of an organization that has contributed, and continues to contribute, a great deal to my home province. I am talking about the Women's Institute of Prince Edward Island, which is observing its 90th anniversary this year.

This organization was first established in 1913, in the community of Marshfield. It is an educational organization that focuses on family, community action and personal growth. Its objectives include stimulating and developing leadership, promoting understanding of economic and social problems, and local, national and international understanding and tolerance. The organization undertakes projects and activities in areas such as agriculture and food, Canadian industries and safety, citizenship and legislation, cultural activities, the environment, international affairs, home economics and health.

The organization and its members were instrumental in establishing the first music and drama festivals in my province. Over the years, they have raised untold dollars for health care and other issues important to Islanders.

• (1340)

The Prince Edward Island Women's Institute has had many accomplishments over its 90 years. The annual roadside cleanup is one such initiative, which was first held in 1973. Every spring, they take the responsibility for cleaning up the garbage that has accumulated there over the winter. This initiative of the women's institute contributes greatly to my home province's reputation as the cleanest in Canada.

I am pleased to say that the Women's Institute of Prince Edward Island boasts the second largest membership in Canada. Today, I want to offer my sincere congratulations and appreciation to each and every member of the Prince Edward Island Women's Institute on their ninetieth anniversary. They really form the backbone of our rural communities.

THE LATE DR. GRACE SPARKES

TRIBUTE

Hon. Ethel Cochrane: Honourable senators, I rise today in tribute to one of Newfoundland and Labrador's most vocal advocates, Dr. Grace Sparkes, who passed away recently at the age of 95.

Grace Sparkes was well known to people across the province as a teacher, a politician, a journalist, an activist, an actress and a volunteer. She was an ardent supporter of responsible government and, through her work and community involvement, served as an inspiration to generations of Newfoundlanders and Labradorians.

History remembers Grace Sparkes as the first woman to enter politics in our province. In fact, she ran for the Progressive Conservative Party in our first provincial election in May of 1949. She also ran in the first federal election, which was held one month later. While she did not win either of those contests, she forced the door wide open for other women to enter political life.

Over the decades, Dr. Sparkes' political convictions never wavered and her energy never waned. Even in later years, she approached new experiences with enthusiasm — whether it was in her work with the Kiwanis Music Festival, countless speaking engagements or personal development courses, such as the computer and golf lessons she took in her later years.

She was a lifelong learner who thrived on challenge and never wasted a moment. When she was in her seventies, for example, an age when most of us turn to retirement, she began her role as Grandma Walcott in the much loved CBC series *Tales from Pigeon Inlet*.

To many, Grace Sparkes was best known for her passionate campaign against Confederation. She simply did not believe that joining Canada was in the best interests of her beloved Newfoundland and Labrador.

Honourable senators, the province's place in Confederation remains a topic lively debated to this day. As I am sure honourable senators are aware, the province's Royal Commission on Renewing and Strengthening Our Place in Canada is set to release its report in June. Sadly, for the people of my province, one of the most important and steadfast voices in this continuing debate will be absent.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, our Prime Minister has announced that he, therefore we, are not supporting the United States' action in Iraq because the Security Council has not explicitly voted in favour of this action. I know that many Canadians are appalled by the actions of our government and believe that we should be supporting the United States government in their quest to remove Saddam Hussein from power and rid Iraq of its accumulated weapons of mass destruction.

By supporting United Nations Resolution 1441, which passed unanimously last fall, Canada supported the call for the

immediate disarmament of Iraq or else it would face serious consequences. There was no doubt to anyone what serious consequences would mean.

It has been almost five months since the passage of that resolution. Most nations would be hard pressed to believe that Iraq has disarmed, even though many other nations believe that he is disarming.

It is interesting that Iraq has had the choice to disarm and destroy its weapons of mass destruction for the last 12 years. The choice to disarm and destroy them at any time in the last 12 years would have meant an end to sanctions, improved trade and a better life for all the people of Iraq.

Why did Saddam Hussein choose not to disarm? It is obvious that the rulers of Iraq were more comfortable with the status quo, because they intended to continue their arms production, or at least continue to conceal their weapons from the world so that they could be used at a later time against Israel, perhaps Kuwait or, as the United States suspects, to sell their weapons to terrorists to be used against the people of the United States.

The Americans will attack with their "shock and awe" campaign as an example to the world of what will happen to anyone who harbours and funds terrorists who have hostile intentions toward the United States.

The terrorist organization of al-Qaeda, by its attack on the United States, showed the world that they were capable of great evil for no apparent reason. However, now rogue states that thought they could have their way with the United States will find that there is great resolve in our neighbour to the south.

Honourable senators, it seems that many Canadians believe that what happened south of the border has little relevance to our well-being. We will find out that this protected and naive premise is false.

Our Prime Minister, who did not have the courage or grace to telephone the President of the United States to inform him of his decision, showed little regard for our long friendship and, I believe, has done irreparable damage to our relationship. I will warrant that this does not bode well for our economic future.

Today, standing here as a senator and a Canadian citizen, I want to declare my support for the actions of the Government of the United States, the Prime Minister of Britain and the Prime Minister of Australia. May they succeed in their noble endeavour and may they liberate a poor and enslaved people from a tyrant who rules them. May they dispose of Saddam and his sons to the ash heap of history.

For the other despots and oppressors out there, I hope that the world powers will continue their fight against terrorism and not bow down to the pressures of those whose vision does not include a better world ahead.

JUDGE PHILIPPE KIRSCH

CONGRATULATIONS ON BEING ELECTED PRESIDENT
OF INTERNATIONAL CRIMINAL COURT

Hon. Douglas Roche: Honourable senators, I want to join in calling to the attention of honourable senators that a distinguished Canadian, Philippe Kirsch, has been elected the first President of the International Criminal Court. This is an honour for both Mr. Kirsch, who has had an exemplary career in Canada's foreign service, and for Canada, which played a leading role in the development of this critically important international institution.

The court is now up and running at its base, The Hague, and 18 judges from several countries were elected. Judge Kirsch was then elected president by his peers.

He chaired the negotiations at the 1998 Rome diplomatic conference that produced the ICC statute. He also chaired the preparatory commission throughout the 1990s. He is a recognized expert in international humanitarian and criminal law.

Judge Kirsch's most recent post in the Department of Foreign Affairs and International Trade was as Canada's Ambassador to Sweden. I first met him when we served together at Canada's mission to the United Nations during the 1980s, where his great skills as a diplomat were evident.

• (1350)

He is now called to preside over the administration of justice in the prosecution of individuals for genocide, crimes against humanity and war crimes. I am sure that all Canadians wish Judge Kirsch great success as he steers the course of international justice in the years ahead.

[Translation]

ROUTINE PROCEEDINGS

YUKON ENVIRONMENTAL AND
SOCIO-ECONOMIC ASSESSMENT BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

Bill read first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Christensen, bill placed on the Orders of the Day for second reading two days hence.

LOBBYIST REGISTRATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, to amend the Lobbyist Registration Act.

Bill read first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

SPECIFIC CLAIMS RESOLUTION BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts.

Bill read first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on Orders of the Day for second reading two days hence.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO HEAR PROFESSOR NICOLE LAVIOLETTE

Hon. Shirley Maheu: Honourable senators, I give notice that tomorrow, Thursday, March 20, 2003, I shall move:

That the Standing Committee on Human Rights be authorized to invite Professor Nicole Laviolette, from the University of Ottawa, to present her Report of the "Principal International Human Rights Instruments, to which Canada has not yet acceded."

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL AID

Hon. Catherine S. Callbeck gave notice that on March 20, 2003, she will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the status of Legal Aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal aid for both criminal and civil matters.

QUESTION PERIOD

NATIONAL DEFENCE

WAR WITH IRAQ—DEPLOYMENT OF TROOPS

Hon. A. Raynell Andreychuk: Honourable senators, during the war on terror, the government announced that the JTF2 were being sent to the Gulf area. Can the Leader of the Government assure us that the JTF2 is not now operating in the Gulf area, and will not be deployed in any way in the impending intervention in Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I indicated to the chamber yesterday, no Canadians will be engaged in active combat during the war against Iraq.

PERSIAN GULF—RULES OF ENGAGEMENT

Hon. A. Raynell Andreychuk: Could the Leader of the Government endeavour to table in this chamber the rules of engagement that have been issued to our naval and air forces operating anywhere in the Persian Gulf or in the area of the Arabian Sea?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think it would be appropriate to table rules of engagement when there are individuals who are engaged in a war. Our troops are indeed engaged in the war against terrorism. It would not be appropriate to table those and make them a public document.

UNITED NATIONS

PARTICIPATION IN THE EVENT OF SECURITY COUNCIL RESOLUTION TO SUPPORT WAR WITH IRAQ

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, should the Security Council pass a resolution or confirm a resolution for participation in the war against Iraq, is it fair to say that Canada would participate in that war?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada has been clear: They will support the United Nations.

Senator Lynch-Staunton: Assuming that this scenario could and may still happen, what form would Canada's participation take?

Senator Carstairs: Honourable senators, since it is a hypothetical situation, it would be speculation on my part to attempt to indicate in what way we would participate.

Senator Lynch-Staunton: It is not a hypothetical question, because Canada has considered the possibility of participation, in the event of a Security Council resolution to that effect. Surely preparations have already been made and are now on hold. I think the country has a right to know what those preparations might be.

Senator Carstairs: Since the Security Council has not made such a decision, no decision has been made with respect to what that contribution might be.

Senator Lynch-Staunton: The conclusion, then, is simply that, whether the Security Council passed a resolution or not, Canada is not prepared, and not able to participate in any action against Iraq?

Senator Carstairs: Honourable senators, I think that is the conclusion that has been reached by the honourable senator opposite. It is not a conclusion of the Government of Canada.

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question. Am I to take it that there is no involvement of Canadian personnel directly in Iraq, as the honourable leader has stated, but should the situation change, we will then begin the planning? Therefore, we would have, in some cases, a six-hour to 24-hour turnaround to engage in? Otherwise, what is the situation, if she is saying that these conclusions are hypothetical?

Senator Carstairs: Honourable senators, obviously it is highly unusual for the United Nations to take an instant decision. Should such a motion be put before the Security Council of the United Nations, we know they will be engaged in a certain amount of debate. At that point, plans may indeed be made.

Asking me today to give a reply to a "what if?" scenario will only receive a "what if?" answer. I am not prepared to go down that road.

• (1400)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Will the honourable minister advise this house what steps the Government of Canada is taking today to prepare resolutions for other similar types of intervention at the United Nations to deal with the situation that is unfolding in Iraq? Will we go to sleep, as we have been for ever so long, doing so little, so late?

Senator Carstairs: Frankly, honourable senators, I do not think we have done so little, so late. We have made it very clear that we will be a participant in the rebuilding of Iraq should a war occur there. I think we are all under the belief that such a war will take place. I indicated to Senator Di Nino yesterday that plans are already underway with respect to rebuilding that country. As to any other hypothetical situation, I think it is entirely inappropriate to comment.

FOREIGN AFFAIRS

WAR WITH IRAQ— USE OF WEAPONS OF MASS DESTRUCTION

Hon. A. Raynell Andreychuk: Honourable senators, if we have no contingency plans, we are putting ourselves and certainly our troops in an untenable situation. Surely the key is not what the United Nations will do but what Saddam Hussein will do. As early as this morning, France said that, should chemical or biological warfare start, it will be in the war with the United States. The question is: Will we be there and will our troops be ready to move that quickly? It is not a question of resolutions and hours and days. It is a question of whether we will be able to help the Iraqi people should Saddam Hussein take the action that some people fear he might if an intervention by the United States occurs.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, there is no proof that chemical or biological weapons exist in Iraq. There have been many theories, but Dr. Blix, with all of his investigators, could not find them. He was looking for proof that Iraq had destroyed these weapons. That proof was never brought forward.

If Saddam Hussein turns on his own people, then there may well be a further resolution of the Security Council. At that time, we will do what we have always said we would, namely, support the resolution of the Security Council.

WAR WITH IRAQ—RESPONSE TO ATTACK ON ISRAEL

Hon. David Tkachuk: Honourable senators, it seems we have no foreign policy whatsoever. The only thing we will do is whatever the United Nations does. Obviously, we are not taking sides on this war.

If Iraq attacks Israel, will we then participate and support the Americans, or will we continue to maintain a neutral position?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, clearly the position of Canada is that we chose not to participate in this war because we believed that the case had not been made that war needed to happen at this time. If there are alternative positions in the sense that changes happen, I am sure that the Security Council will act; and if the Security Council acts, then the Government of Canada will support that action.

Senator Tkachuk: Honourable senators, what happens if they act in a way that goes against our foreign policy? France has a veto. If the United Nations will not assist Israel, what will be our position?

Senator Carstairs: Honourable senators, the statement made by the honourable senator a few minutes ago demonstrates the wide variance between us. He clearly believes that we should be at war with Iraq now. I clearly believe, as does the Government of Canada and the vast majority of Canadians, that we should not be at war with Iraq.

Some Hon. Senators: Hear, hear!

MEETING ON REGIME CHANGE IN HAITI

Hon. Consiglio Di Nino: Honourable senators, I seem to take the minister off the hook whenever it gets a little heated in the chamber. Perhaps I can create my own heat here.

The March 15 edition of the magazine *L'actualité* carries a story about a secret meeting at Meech Lake last January to discuss regime change in Haiti. This secret initiative is referred to as the "Ottawa Initiative on Haiti" and is being led by the Secretary of State for La Francophonie. Could the Leader of the Government in the Senate tell us if this meeting actually took place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I cannot honestly say whether this meeting took place. I have no information whatsoever on such a meeting.

Senator Di Nino: Honourable senators, will the minister please undertake to find out whether it did take place, at least make an attempt?

POLICY ON REGIME CHANGES IN OTHER COUNTRIES

Hon. Consiglio Di Nino: Honourable senators, assuming that Mr. Vastel's story in *L'actualité* has a kernel of truth attached to it, yesterday in the House of Commons, when asked about regime change in Iraq, the Prime Minister said:

...I always have spoken very clearly that the position of changing of regimes in different countries is not a policy that is desirable at any time... In the present system, it is for the local people to change the government.

Yet, according to *L'actualité*, the Ottawa group is to meet again in April to further discuss regime change in Haiti.

Can the Leader of the Government tell us what exactly is the policy of the Government of Canada on regime change?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think the honourable senator has quoted perfectly from the Right Honourable Jean Chrétien yesterday. That is the policy on regime change.

Hon. Laurier L. LaPierre: Does the Honourable Leader of the Government in the Senate know that Liberals do not use Meech Lake for meetings since it was the place where Mr. Mulroney slept with the Americans?

CITIZENSHIP AND IMMIGRATION

UNITED STATES—EFFECT OF REQUIREMENT
FOR NEW TRAVEL DOCUMENTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It deals with the impact of new U.S. border laws on Canada.

In October 2004, the United States will require all visitors to that country to have biometric-capable travel documents. This information includes such things as fingerprints, retinal scans and facial recognition. The enhanced border security and visa reformat will go into effect at major border entry points and entry points elsewhere by 2005.

Honourable senators, many countries around the world may not have the resources to provide new travel documents with this particular type of information to their citizens, making it difficult, if not impossible, for them to enter the United States. That may very well mean a sharp rise in the number of people making various types of immigration claims in Canada instead.

Does the federal government have any concerns over the potential fallout in this country over the new American legislation? If so, has Citizenship and Immigration Canada raised these concerns with its American counterparts?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the United States makes its own policies on a number of areas, including provisions on entry to and exit from their nation. We have absolutely no control, as the honourable senator well knows, over those decisions. However, we are cognizant of the fact that should the United States become a much more difficult country to enter — much more difficult not only for visitors but also for potential immigrants and potential refugees — there may be an extra burden placed on our immigration service. Ongoing discussions are taking place with the United States on a number of issues, including our concerns about these new border initiatives.

• (1410)

HEALTH

VIRULENT PNEUMONIA VIRUS—
TRAVEL ADVISORY ON VISITING ASIA

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate with respect to the pneumonia outbreak taking place around the world. There have been many news reports in recent days about a new, deadly viral strain of pneumonia that originated in Asia and has now come to Canada, apparently, as a result of air travel. There are presently reports of at least 11 probable or suspected cases of this disease in Canada, giving this country one of the highest numbers of confirmed cases outside of Southeast Asia.

The World Health Organization has issued a rare, worldwide health threat, since 219 people have fallen ill and 14 have died from this infection, including two people in Toronto.

This past weekend, the U.S. Centers for Disease Control advised Americans travelling to affected areas, including Canada, that they might wish to postpone their trips until further notice.

My question is for the Leader of the Government in the Senate: Is Health Canada considering issuing a similar travel advisory to urge people not to travel to Southeast Asia for the time being?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. Severe acute respiratory syndrome is a serious illness that seems to have begun in Southeast Asia. China and Singapore seem to be the two most relevant sites at this time.

The honourable senator used the phrase “as a result of air travel.” This disease is not contracted through air travel, but rather as a result of having been in the places where SARS, as they are calling it, exists. I wish to make that distinction.

The Department of Health did issue a travel advisory on March 16, 2003.

VIRULENT PNEUMONIA VIRUS—POLICY OF
AIR CANADA ON CHECKING-IN PASSENGERS

Hon. Terry Stratton: Honourable senators, Hong Kong's Cathay Pacific Airways has announced that it has ordered staff not to check in any passengers who are showing signs of the illness. This decision was replicated by airlines in Vietnam, Australia, Japan and New Zealand. Could the Leader of the Government in the Senate tell us if Air Canada has considered a similar policy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Health Canada has asked airport officials at Pearson International and Vancouver International to carefully monitor passengers arriving from Hong Kong to determine whether anyone has flu-like symptoms. I cannot tell the honourable senator, however, whether passengers boarding an Air Canada flight in Hong Kong are being subjected to that same provision, but I will try to obtain that information quickly.

NATIONAL DEFENCE

LEVEL OF ALERT AS A RESULT OF
TERRORIST THREATS

Hon. J. Michael Forrestall: Honourable senators, yesterday I asked a question of the Leader of the Government in the Senate with respect to a heightened state of alert in Canada, and the situation with respect to the accompanying soldiers being sent to the Persian Gulf area. Is the minister in a position today to answer that question? Perhaps while she is on her feet, she might tell us whether Canada has increased the threat level?

To add to that question of yesterday, we notice in the press today that both Ottawa and Toronto are on a high state of alert. Perhaps this was done at the behest of the provincial government. If that is the reason for the alert, might the minister indicate that to us? My basic question is: Has the alert level been increased in Canada?

Hon. Sharon Carstairs (Leader of the Government): The answer that I will give the honourable senator is basically a repetition of the information that I gave to him yesterday. We are not aware of any specific threat to Canada at this time. Canada has been operating in a heightened security environment since September 11, 2001.

The Government of Canada is vigilant in assessing threats to national security. Our law enforcement and intelligence agencies are working to detect any emerging threats, and Canadians can rest assured that we will take every possible measure to ensure public safety and security.

Senator Forrestall: Honourable senators, I gather from all of that, what has been written and well read, that there has been no increase in the perceived level of threat to Canada as a result of the position in which the United States and its willing allies find themselves. I hope the minister is correct.

SEA KING HELICOPTERS OPERATING IN PERSIAN GULF REGION—NIGHT VISION EQUIPMENT

Hon. J. Michael Forrestall: Honourable senators, a question was raised on national television last night by the Canadian Broadcasting Corporation, which told us many things about the Sea King, but mainly that it cannot see. When we send a Sea King to the Persian Gulf, will it have night vision? Will the minister assure us that all of the Sea Kings operating in that region, and indeed anywhere, will have the capacity for night vision? Further, would she agree that the difficulty experienced in rescuing people at night had as much to do with the limited range and capability of the helicopters as it does with its lack of night vision?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that was a very interesting story last night on CBC. I watched the program, as did the honourable senator, obviously. However, they did not make mention of the fact that the Sea Kings that had been functioning in the area of search and rescue have now been replaced. Sea Kings are no longer being used in that capacity; the search and rescue helicopters are now Cormorants.

In terms of the honourable senator's specific question with regard to night vision, \$80 million in upgrades and capability enhancements have been made to the Sea King helicopters, as the honourable senator is aware.

As to the specific question with respect to night vision, I must indicate that I do not have any further information.

[Translation]

JUSTICE

MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—FEDERAL COURT DECISION—IMPLEMENTATION DEADLINE

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Honourable Leader of the Government in the Senate. She is very knowledgeable about the agreement that was to be reached between the Province of Ontario and the Department of Justice regarding contraventions on federal lands. This relates

particularly to federal airports, where the Province of Ontario was given the authority, for example, to make municipalities responsible for the general administration of contraventions.

On March 23, a few days from now, the current agreement will expire. The deadline is March 23 of this year, even if the judge was forced last year to extend it by an additional year. Will the minister undertake to find out if an agreement has been reached between Ontario and the federal government with regard to contraventions?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, so far as I am aware, at this time there has been no agreement signed between Ontario and the Government of Canada in that regard. I recognize that the deadline is quickly approaching, and I will make further inquiries as to the status of that particular agreement. I hope to provide that information to the honourable senator very soon.

[Translation]

FOREIGN AFFAIRS

THE WAR WITH IRAQ—POLICY TO AID REFUGEES

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. It seems that government policy goes no further than the Canadian government's decision not to take part in the war with Iraq.

Does the Canadian government intend to participate or to have a policy on the people and resources it could provide the unfortunate victims of this war? I am referring specifically to refugees. Will Canada be directly involved in helping and assisting every man, woman and child who seeks refuge in neighbouring countries to avoid this terrible war?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada has made it very clear that it will be there for the victims of the Iraq war. They will also be involved in the rebuilding of Iraq following the war.

• (1420)

Taking the lead in this regard is the Honourable Susan Whelan, Minister for International Cooperation, but other departments are clearly also involved in this process.

As you know, an announcement was made earlier this week about an additional \$250 million to help Afghanistan in their rebuilding efforts. Canada sees this as an important role that we must play, particularly in war-torn, ravaged countries.

[Translation]

Senator Rivest: Honourable senators, what will happen to the Iraqi refugees?

[English]

Senator Carstairs: Honourable senators, the Iraqi refugees, it appears, would most likely go to Jordan at this time. In fact, Jordan has already begun to build camps should that unfortunate eventuality take place. The Canadian government has always had a strong policy of supporting refugees, and it is my understanding they will be there at this time as well.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENCE—COST OF DEPLOYING TROOPS AND EQUIPMENT INTO VARIOUS THEATRES

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 5 on the Order Paper on December 3, 2002 concerning the cost of deploying Canadian troops and equipment to the theatres of operation in Kosovo, East Timor and Afghanistan.—(*Honourable Senator Forrestall*).

ORDERS OF THE DAY

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I will probably rise to speak tomorrow on second reading of Bill S-14. I therefore move the adjournment of the debate.

On the motion of Senator Corbin, order stands.

[English]

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Gustafson*).

Hon. Leonard J. Gustafson: Honourable senators, it is a pleasure to join in the debate initiated by my colleague Senator LeBreton on the legacy of waste during the Chrétien-Martin years.

Nowhere is waste and mismanagement more obvious than in the government's dealings with one of Canada's most productive and innovative industries, the agricultural sector. Many senators will know from the studies produced by the Standing Senate Committee on Agriculture and Forestry — and I am now referring to the excellent report, *Farmers at Risk* that was produced by that committee — that agriculture generates 9 per cent of Canada's gross domestic product and contributes \$5 billion to \$7 billion each year to Canada's trade surplus. In fact, agriculture and forestry are responsible for 35 per cent of all our exports, so they are very important industries.

Between 1993 and 1996, support to farmers was drastically reduced by the Liberal government. Over \$2 billion was eliminated from the federal government budget for agricultural support accounts, for a 55 per cent reduction under the Chrétien-Martin administration. Between 1993 and 1999, farm debt grew to \$15 billion. Over 4,000 farms have been declared bankrupt since 1993, with Saskatchewan accounting for 29 per cent of all the farm bankruptcies.

I will say that our committee considering the question of global warming has just been through the West, to Regina, Edmonton, Lethbridge and Vancouver. While we were dealing with that subject, we heard from different farmers and farm groups who told us about the very severe situation that agriculture is facing right now.

What has the Chrétien-Martin tag team done to support one of the most innovative industries in Canada? Let us take a look at Mr. Martin's earlier budgets as they dealt with agriculture. In the 1994 and 1995 budgets, the federal government cut funding to agriculture. In the 1996 budget, the federal government announced further cuts to agriculture.

Ironically, in 1997, the Minister of Agriculture was briefed about the looming income crisis. The minister's briefing book, obtained under an Access to Information application, warned:

Farm income is forecast to decline from 1997 to 1999, mainly as a result of lower grain prices. The decline in grain prices has already raised some concern in the farm community about the viability of the farm sector and the effectiveness of existing safety net programs.

Further, the minister was warned:

Farm income forecasts do not take into consideration savings, farm wages paid to other family members or off-farm income...

Unfortunately, this is one of the few industries in Canada where you need to have another job besides your main job of farming just to sustain your farm family.

In 1997, net farm income fell 55 per cent nationally. In 1998, farm cash receipts in Western Canada were down drastically. What was the response of the federal government when questioned about the adequacy of farm safety net programs? Lyle Vancilief, Minister of Agriculture, said in the House of Commons, on October 28, 1998:

Mr. Speaker, I think we are showing political will, which is not cutting. We have one of the strongest safety nets in the world.

Honourable senators, we still do not have those in place, and it is getting on to close to 10 years later.

In 1999, farmers in Saskatchewan and Manitoba were flooded out. There was no declaration of disaster under the Disaster Financial Assistance Arrangement program — the DFAA — run by the Department of National Defence. There was no assistance to bring the lands back to productivity. Instead, the Minister of Agriculture flew over the fields, looked at the green weeds instead of yellow wheat, and flew home.

In 2001, farmers across Canada took to the cities on their tractors and demonstrated the need for support. Farmers in all parts of Canada were facing dropping incomes, and many were leaving their farms. In fact, since 1996, Canada has lost over 30,000 farmers, a reduction of 11 per cent, country-wide. These farmers walked away from their farms — family farms, many of which were nearly a century old.

• (1430)

In Saskatchewan, we have lost 34 per cent of our farmers in the last five years.

Another ad hoc program came in. It was inadequate and without a lot of planning.

Drought across Canada, from the Atlantic to the Pacific, hit farm incomes hard. In Nova Scotia, drought has hit three years out of four. In Western Canada, there has been severe drought over the last two years.

As an example of what has happened, I have two neighbours who brought cattle from Alberta and the western part of Saskatchewan. They have been hauling water to those cattle all winter because it is easier to move the cattle to the feed than the feed to the cattle.

We all remember that farmers in Eastern Canada graciously helped out by shipping feed and straw to Western Canada. That was commendable, even though it is a long way to ship feed and there are other problems involved in shipping.

Honourable senators, Canadians will be shocked to know that officials with Agriculture Canada admitted to the House of Commons Standing Committee on Agriculture, on April 30, 2002, that there was no plan to ask for additional money for drought relief despite the fact that all forecasts pointed to another drought year.

We never lose a crop in March or April, yet the outlook is not very good. The forecast for grasshoppers is very high. There are many unknowns in the agricultural field. However, it is nice to go into our grocery stores and see such a tremendous amount of food. Few countries have the quantity of food that Canada enjoys. I was in a new market the other day in Estevan, Saskatchewan. I believe it was an IGA. A person can almost lose their way in there because there are so many different varieties of food. Canada is very fortunate to have the food that it has, yet in producing a loaf of bread, farmers get six to eight cents.

Agriculture is a very important industry, and farmers feel that the government has let them down. Sir Leonard Tilley from Great Britain once made this statement, which I hope we all remember: "Destroy the farmer and grass will grow in the streets of every city in the nation." One of the strongest recommendations for Canada and North America has been that we have always been able to feed ourselves and feed a great part of the Third World as well. We must never lose that ability. I hope that the experience of the last few years will teach us a lesson. We must deal with a very serious situation.

I have several other recommendations, which I hope are positive. What I have said is pretty negative, but it is the truth about what has happened to our agricultural industry. We must lay the facts on the table.

Canada is now in a new global economy as far as agriculture is concerned. We hear from specialists who say, "Stop the American and European subsidies and somehow things will all come out right." It will not happen. The Americans have just adopted a 10-year program with an additional \$191 billion in financing. In North Dakota, across the border from where I live, a bushel of wheat is subsidized by \$1.68 a bushel. How do we compete with that? I was a little upset when I heard that figure.

When Paul Tellier was moved to Bombardier from the Canadian National Railway, he was acclaimed for running the rail line in a productive way. It was a good thing to make the CNR a profitable company. However, it was the farmers who made the CNR profitable when they lost the Crow Rate because it cost them one dollar per bushel for every bushel shipped. I do not take anything away from Paul Tellier's accomplishments, but today, because of the problems that we face in agriculture, CNR does more business in the United States than it does in Canada. That gives honourable senators an indication of the situation we have been facing.

With regard to the global economy, we will not get off subsidies. The Europeans will not get off subsidies. They did one thing, however, and the United States is beginning to do it as well. They put agriculture, the environment and rural development under one caption and said that farmers alone cannot afford this. It must be the responsibility of all members of society.

I said earlier that the Agriculture Committee is studying global warming and has just travelled across Western Canada. The committee is chaired by Senator Oliver. We had good meetings, but there are problems. Farmers are concerned about the Kyoto Protocol. Where do the credits come from? They raised that issue

n every meeting. Who will pay the bills? Saskatchewan, for instance, is supposed to be the worst polluter because it has the greatest number of acres of arable land. On the other hand, it has the smallest population. There is a bit of an East-West thing happening here. I understand that the automobile industries have been forgiven and will not be too involved in this issue, and the farmers and oilmen in Western Canada are concerned. What will be the end result? Who will pay the bill?

We raised this question with Saskatchewan's minister. He acknowledged that there is no answer at this time.

Before I leave the subject of subsidies, we must abandon the idea that we will get them removed because that will never happen. We are into a new global economy and Canada will have to adjust.

I want to speak now about input costs.

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Gustafson, but I must advise him that his 15 minutes have expired.

Senator Gustafson: Might I have a minute or two more, honourable senators?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Gustafson: I have several issues I want to deal with, one of which is input costs. Fertilizer costs have gone up over \$400 a ton. They are twice as high as they were two years ago. This is a major cost for farmers. Energy costs, as we know, have doubled. Today, farmers are asking themselves what they can plant that will at least cover the input costs and perhaps bring some profit.

(1440)

We, in Canada, face a serious problem. There is no question in my mind that if we keep the farmers on the farms, they will produce dollars for the country. They are good, hard workers. They will be productive. I believe it is the responsibility of all of us, honourable senators, to do our best to convince governments of their role in helping farmers survive this difficult time that we are facing.

I know that the word going around is that farmers are always complaining. I tell you, honourable senators, farmers, right now, are discouraged, especially the young ones; they are leaving the farms, and that is unfortunate. I leave honourable senators with this quotation, oft repeated by Sir Samuel Leonard Tilley — his name was Leonard, you will notice:

Destroy our farms and the grass will grow in the streets of every city in the country.

Hon. Senators: Hear, hear.

On motion of Senator Bryden, debate adjourned.

[Translation]

FOREIGN AFFAIRS

MOTION TO REFER THE 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPEAN PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C.,

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

Berlin, 6 — 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
 2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
 3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms," and urges participating States to address "acute problems," such as anti-Semitism;
 4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
 5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;
- The OSCE Parliamentary Assembly:
6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
 7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
 8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
 9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
 10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
 11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
 12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
 13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak on Senator Grafstein's notion to refer this matter with regard to the rise in Anti-Semitism and, particularly, the OSCE's resolution to a standing Senate committee. After a discussion with Senator Grafstein, and following the remarks made by Senator LaPierre yesterday, it would be preferable, in our opinion, to refer this study and the preparation of a report on the matter to the Standing Senate Committee on Human Rights rather than the Committee on Foreign Affairs. At the end of my speech, I shall make a motion to this effect.

Honourable senators, I would like to start my comments today by telling the story of Angelo Joseph Roncalli, later to become Pope John XXIII, and who greeted a Jewish delegation to the Vatican in 1962 with the following words:

I am Joseph, your brother...

There is no doubt in my mind that John XXIII, author of the Encyclical "*Pacem in Terris*" — Peace on Earth — dreamed of a world where all religions would form one family.

For Canadians, this same idea of living together, as one family, is embodied by Saint Joseph. This idea highlights the importance of coexistence, *convivencia*, as the cornerstone of social and world peace.

I am therefore deeply concerned by news from B'nai Brith that 87 anti-Semitic incidents occurred last year right in the shadow of Montreal's Saint-Joseph's Oratory. Fourteen of these cases involved violence.

Honourable senators, the Parliament of Canada cannot ignore this rise in anti-Semitism, which is capable of undermining the political body of free societies, like a cancer.

The Senate of Canada must take a firm stand against this situation. The OSCE resolution must be referred to the Standing Senate Committee on Human Rights, so that it can report back to the Senate by June 30 of this year, as proposed in the motion.

The committee must recognize and condemn the rise of anti-Semitism and intolerance in Canada, and ensure that strong legislative measures are enacted to properly punish manifestations of intolerance. The committee should also have included, in its terms of reference, the study of preventative

measures, such as a campaign to promote awareness of the importance of diversity and multiculturalism. It must ensure that there is a free and open dialogue to find a solution to this problem.

The increase in violence against Jews is a worldwide phenomenon to which Canada has not been immune. Even though figures indicate that anti-Semitic feelings are twice as prevalent in Europe as in the United States, North America is not free of anti-Semitic violence, which is fuelled by negative attitudes towards Jews, stereotypes about Judaism, and physical attacks and violence against Jewish people, symbols and holy sites.

A study conducted by the Anti-Defamation League in spring 2002 found that 17 per cent of Americans are "unquestionably anti-Semitic," while this figure was only 12 per cent in 1988. A breakdown of American society into categories found that university professors were less likely to be anti-Semitic. The study showed that 3 per cent of professors held anti-Semitic prejudices, which supports the theory that education and principles can help to dissipate these stereotypes and attitudes. Honourable senators, the situation in Canada is truly disturbing. Between January and June last year, B'nai Brith, League for Human Rights, showed that there had been a 63 per cent increase in the number of anti-Semitic incidents over the same period in 2001.

Unfortunately, barely a few months ago, last fall to be precise, Canadians caught a glimpse of the high tensions caused by the situation in the Middle East, when students were beaten up, insulted and spit in the face at Concordia University. Many of these attacks were directed against Jewish students and were meant to protest against the visit by former Prime Minister Benjamin Netanyahu, who was at the university to deliver a speech to faculty and students.

The incident at Concordia University demonstrates the serious polarization with regard to the situation in the Middle East but, more important, it demonstrates that an unwillingness to discuss, listen and perhaps even learn may result in chaos and destruction. The fact that an institution of higher learning obstructs free discussion and free dialogue about such an issue seriously threatens basic rights and democracy.

• (1450)

Although open demonstrations of hostility toward Jews and the Jewish faith are in themselves a source of concern, it is essential to learn at all costs the root causes. Not only is the number of violent attacks on the rise, but anti-Semitism and systematic intolerance, which are difficult to quantify, are also growing. This wave of racism cannot help but be swollen by the distressing silence of citizens who, by practically refusing to acknowledge anti-Semitism and systematic or occasional intolerance, are isolating citizens who are members of minority groups.

Unfortunately, anti-Semitism is not the only scourge on the rise. Many other forms of intolerance and racism are increasingly popular. Islamists, Asians, aboriginals and African-Canadians are also targets, along with Jews. Intolerance toward these groups, although sometimes manifest, frequently takes the form of hostile comments or attitudes.

The silence of the public and of the government, which remains insensitive to the increase in the various forms of racial discrimination, is of particular concern. By tolerating the development of hateful opinions and attitudes toward Jews, we contribute to the alarming spread of anti-Semitism. Those who do not speak out against racist and discriminatory acts are as guilty as the perpetrators of those acts.

The Holocaust taught us about "sins of omission." While millions of Jews were being killed, the great majority of the world's population remained indifferent. Even today, there are still people who deny it ever happened! The denial of the existence of such a tragedy, which affected the whole world, not just the Jews, or downplaying its consequences, is direct and disconcerting proof that anti-Semitism is indeed on the rise.

In 2002, Ken Jacobson, National Director of the American Anti-Defamation League, said in a speech to the OSCE in Berlin that we recognize as anti-Semitism each aggression against Jews, Judaism or Jewish institutions. We must call upon people to intervene by condemning anti-Semitism as a form of racism that is unacceptable in Canada and the other OSCE member countries.

Canada is not the only country dealing with this problem, and we cannot fight anti-Semitism without the help of other countries around the world. This scourge afflicts Canada and all of the OSCE countries to varying degrees, and we must find a common solution. Any form of racism or anti-Semitism capable of surviving in our modern country and in our interrelated world can only hurt vital concepts like pluralism, diversity and peace.

Some people have expressed concern that the intellectualization of the conflict between Israel and Palestine has fuelled anti-Semitism among liberal thinkers who are sympathetic to the plight of Palestinians. We all know that the conflict between Israel and Palestine has been punctuated with violations of human rights and fundamental freedoms by both camps. Israel is certainly not above international humanitarian law and should be held responsible for any human rights violations that it has committed, just like any other perpetrator of similar acts. That said, disagreement with the Israeli government's policies toward Palestinians are legitimate, but they must be clearly dissociated from anti-Israeli attitudes that could be construed as anti-Semitic.

During this difficult period of conflict, we must reaffirm our commitment to preserving our cultural diversity, because it can only be viewed as a guarantee for the development and well-being of humanity. Anti-Semitism or any other type of discrimination is not becoming of a country such as Canada, or any other country. We have to take a proactive approach to this global problem, which is gaining ground. The quick review of Senator Grafstein's motion and the referral of OSCE (PA) Resolution to a standing Senate committee, so that it may think about the measures to be taken to react to anti-Semitism and intolerance, which are growing, about the methods of increasing awareness and about discussion forums, are an excellent first step in the right direction.

Honourable senators, let us behave like "Joseph, your brother."

[Senator Kinsella]

Honourable senators, as I mentioned, Senator Grafstein and Senator Joyal have agreed that the resolution should be sent to the Human Rights Committee and not to the Foreign Affairs Committee. Perhaps we could agree to this too without a motion in amendment.

[English]

The Hon. the Speaker: This is something I think we could do. It would have to be done at the request of the mover of the motion, Senator Grafstein. However, there is a senator rising who, I think, wishes to participate in the debate.

Hon. Marcel Prud'homme: Honourable senators, members of a high-level Russian delegation are on Parliament Hill and I must serve as their host. They are being introduced right now in the House of Commons. As Chairman of the Canada-Russia Inter-Parliamentary Group, it is my duty to do what I have been asked to do.

I am interested in the subject matter of this motion. I could quote extensively from denouncements I have made over 30 years to the effect that anti-Semitism is one of our greatest cancers. I should like to participate in the debate because I should also like to add an addendum relating to how to combat the phobia against Islam that is becoming an immense danger for humanity.

With the kind permission of honourable senators, I wish to adjourn the debate. I will not drag my feet. I assure honourable senators that within a few days I will speak to the motion. I agree with the Honourable Senator Kinsella that, in due time, Senators Grafstein and Joyal could accept — we could make it unanimous — to send the resolution to committee, since I have already proposed that it should go to the Standing Senate Committee on Human Rights.

• (1500)

The Hon. the Speaker: We have two matters to deal with, honourable senators. If the mover and seconder agree and all senators give their leave, I believe there is a will to follow the suggestion to change the motion of Senator Grafstein where it states that the resolution "be referred to the Standing Senate Committee on Foreign Affairs."

Hon. Jeremiah S. Grafstein: I want to thank all honourable senators, and I await Senator Prud'homme's contribution to this debate. I do agree with the discussions with Senator Kinsella and our house leadership that the resolution should be amended so it is referred not to the Standing Senate Committee on Foreign Affairs but to the Standing Senate Committee on Human Rights. Perhaps we could deal with that issue and then let Senator Prud'homme take the adjournment. I will await his comments. After he has completed them, I might make a few final comments before we call the resolution to a vote and hopefully refer it to that committee.

The Hon. the Speaker: Is it agreed, honourable senators, that the words "Standing Senate Committee on Foreign Affairs" be replaced with the words "Standing Senate Committee on Human Rights"?

Hon. Senators: Agreed.

On motion of Senator Prud'homme, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY MEDIA INDUSTRIES

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004,

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Lynch-Staunton, that the motion be amended by removing all the words after the word "authorized" and adding the following:

"to study the appropriate role of public policy in helping to ensure that Canadian news media remains healthy, independent and diverse, given changes in the media in recent years, notably globalization, technological change, convergence and concentration of ownership; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004."—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, as I said to Senator Stratton and Senator Robichaud, I read the motion again, and will not pursue it further. I am satisfied with the debate that took place, and the chamber can proceed to dispose of this motion. I will not delay the vote any further.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

The Hon. the Speaker: I will put the question in a formal way. Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it. The motion in amendment is defeated, on division.

Is it your pleasure, honourable senators, to adopt the main motion?

Motion agreed to.

THE BUDGET 2003

INQUIRY—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) rose pursuant to notice of February 25, 2003:

That he will call the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.

He said: Honourable senators, I will limit my remarks to the budget process itself and not speak to its content because there are others on this side much more qualified than I.

I have been, as I have said here and elsewhere, preoccupied by the fact that our system of government should be improved to give the legislator more authority and more direction to the executive than is allowed now. I think nothing truer than that can be found in our own budget process.

On more than one occasion, I have compared the American legislative system to our own and urged that some of its features be incorporated in ours in order to give parliamentarians, particularly members of the other place, a more active and decisive say in legislation. In the United States, the separation of powers makes it impossible for the executive branch to dominate Congress, even if the President's party controls it, while the executive in our country has near absolute control over Parliament as long as it has a majority in the elected house. These differences are nowhere more noticeable than in the budget process of the two countries.

In the United States, the President proposes, rather than tables, a budget to Congress by the first Monday in February. Both houses separately review the proposals in order to come to a joint agreement by the middle of April. The President can veto the intentions of Congress, in whole or in part. Reconciliation of differences can go on indefinitely, even leading to such extremes as a shutdown of government. This occurred in 1995, when President Clinton and the House of Representatives were in disagreement on the latter's insistence on a balanced budget as a government priority.

While the American system can lead to extreme stalemate, it nonetheless involves both houses of Congress as partners, as neither the legislative nor the executive branch can dominate the process.

Contrast this procedure with our own, where Parliament's role is limited by the Constitution to approving the government's proposals, either in full or at a reduced level, or rejecting them altogether. This is because the Constitution grants the government the exclusive power to initiate expenditure proposals. In addition, tradition has it that any vote on a money bill is a confidence vote.

Another significant difference between the two systems is a consultation process. In the United States, this is ongoing at the executive and legislative levels before, during and after the budget is proposed. In Canada, for a number of years, there have been separate consultations by the Minister of Finance and the Commons Finance Committee during a given pre-budget period. However, once the budget is tabled, that is it. Any changes in taxation usually go into effect immediately, although the enabling legislation may not receive Royal Assent for many, many months.

As for the Main Estimates flowing from the budget, let me quote from a document entitled: "Budgeting and Management in Canada," submitted in June 1999 to the twentieth annual meeting of senior budget officials, sponsored by the Public Management Committee of the Organisation for Economic Co-operation and Development, the OECD.

• (1510)

I was unable to find the authorship on the paper. I can only assume that it was prepared by the Department of Finance. I quote:

Parliament does not approve the Main Estimates prior to the start of the fiscal year. The fiscal year starts on 1 April but the Main Estimates is not approved until just before Parliament's summer recess in late June. (Special provisions govern the funding of government during this interim period...). A quarter of the fiscal year has thus elapsed when Parliament formally approves the Main Estimates as proposed by the government.

Another factor limiting Parliament's role in the budget process is the fact that over 70 per cent of government expenditure does not require annual funding through the budget process but is rather "statutory" in nature. Such expenditures can be divided into three categories. First, interest payments and other public debt charges. Second, funding for transfer (grant) programs to provincial governments. The programs for the provinces, however, come up for renewal every five years. Third, various entitlement programs whose original enabling legislation granted permanent spending authority for them. There is no need for Parliament to approve appropriations on an annual basis for these programs, or even to discuss them at all.

These factors have conditioned Members of Parliament to devote little effort to a discussion of the Main Estimates. A recent report by the House of Commons Committee on Procedure and House Affairs included the results of a survey among serving Members of Parliament. Members were quoted as using expressions such as "a profound degree of dissatisfaction," "a total waste of time," "a cursory review," and "futile attempts to bring about change" to describe the current system. There has also been a very substantial turnover of Members of Parliament at recent elections which has severely diminished institutional knowledge of the complex parliamentary budget process.

To add salt to the wound, major budgetary changes rarely, if at all, result from Commons representations but rather from outside pressures. I would quote two striking examples that are, I am sure, familiar to many honourable senators.

In June 1963, then Minister of Finance Walter Gordon tabled his first budget, and less than one month later he was in near full retreat. In November 1981, Allan MacEachen tabled his budget. On December 18, about one month later, at the last sitting day before the Christmas break, according to the *Ottawa Citizen*, he announced, "32 changes to 17 different measures ... one of the most extensive budget revisions in Canadian history."

During this entire period, the House of Commons was nothing more than a spectator as the government in each case, faced with ferocious opposition from interest groups directly affected by the original proposals — opposition widely supported by editorial and other press comments — gave in to it and informed the House accordingly.

The Globe and Mail's article of December 19, 1981, on former Minister MacEachen's backtracking began as follows: "Bowling to complaints from businessmen and MPs in his own party...." Views of businessmen and others in the private sector were widely publicized, but nowhere can one find any public comments about "M.P.s in his own party" because these were obviously made in the privacy of caucus.

Honourable senators, I bring all of this up only to add to the argument that unless there is an involvement, a public involvement, by the House of Commons in at least debating tax changes before they are implemented and in having a vote in determining revenues and expenditures generally, its interest and participation in the entire budgetary process will continue to decline as it realizes how powerless it is in this area.

While the budget changes referred to earlier were at least first announced in the House of Commons, the present government's preference for ministerial statements to be made in surrounding decided by image-makers has now been extended to those directly related to the budget. Three days after the current budget was tabled, the Prime Minister announced in Shediac, New Brunswick, that, and I quote *The Globe and Mail* of February 22

...It was "a mistake" to make a \$10 million grant for elite athletes conditional upon Vancouver getting the 2010 Winter Olympics and he never approved the measure... his intention all along was to increase funding, and tying assistance to the bid was never approved by him or even discussed with him.

One finds in this incident an admission that a Canadian budget is the preserve of a few select members of cabinet, that the Prime Minister's word is final, that Parliament can first hear of changes in the media and, as usual, any vote against the budget is considered a vote of non-confidence with all the consequences that that entails.

There was a time when the budget was considered so secret prior to it being delivered that any leak beforehand was enough to require the resignation of the Minister of Finance. Again, colleagues may remember the incident in the U.K. when, in 1947, the Chancellor of the Exchequer, on his way to the house to deliver his budget, was asked if cigarette taxes would be increased. The chancellor, Mr. Hugh Dalton, replied that people should buy their cigarettes early. A newspaper published this before Mr. Dalton began to read his text. The following day, he apologized to the house and resigned.

Contrast that to what happened in this country in 1983, one day before budget day. A television cameraman in the former Finance Minister Lalonde's office filmed portions of the French version of the budget, which showed a projected deficit of some \$31.2 billion and a \$4.6-billion job creation program. The following day, Mr. Lalonde delivered the budget showing that the job creation program had increased by \$200 million overnight and that the deficit had increased accordingly. Mr. Lalonde kept his job.

To me, these incidents only serve to question the whole idea of budget secrecy, particularly because in last few years little in the budgets has come as a surprise, as have been, for the most part, carefully leaked days, even weeks, before being made public.

Why not go one step further, the ultimate step, and have the budget presented as a set of proposals, submitted for discussion, and open to amendments and eventual disposal? As it is, only a few parliamentarians have more than a passing interest in either the budget or the Estimates, except for any item of interest to their constituents, as they simply have so little influence over them.

In the United States, Congress and the President are equal partners. The President proposes, the House and Senate assess, compromise, bargain, and eventually Congress submits a joint agreement to the President. He can veto all or part of it. Congress then can attempt to override the veto. The balance of powers works throughout the process. Is this not a preferable procedure, with all its flaws, to that in Canada, where the executive is the dominant party and the legislative is the passive spectator?

The current budget had been widely described as the Prime Minister's legacy and, by dedicating funds many years ahead, a clever way for him to commit a successor to projects for which he or she might show less enthusiasm.

I suppose things could be worse. In Quebec last week, no sooner had the government presented its budget than it immediately called an election. Ontario intends to introduce its next budget as a media event by having it made public at the end of the month in a television studio or in some room in a hotel — so much for the role of the elected representative. Budgets seem to have degenerated into little more than the ruling party's political platform which, by any measure, is to be greatly deplored.

More deplorable, however, is that if action is not taken soon to give Parliament, particularly the House of Commons, increased authority over the budget process, one shared with the executive, then the traditional power over the purse will continue to lose meaning because Parliament will simply be reduced to authorizing expenditures with little, if any, significant influence over them.

The United States' experience may not be ideal and could lead to gross excesses, but it does show respect for the elected representative. For that reason alone, I am convinced that it has elements that, once modified to our needs, could go a long way in reversing a dangerous trend that has gone on for much too long.

Hon. Jack Austin: Honourable senators, I wish to address a specific question to the Leader of the Opposition in the Senate. I concur with him in his general thesis that Parliament, both chambers in my view, should exercise far more inspection of government Estimates and spending. A suggestion was made to send budget papers and Estimates, as they become available in this chamber, to the appropriate committees. The Standing Senate Committee on National Finance would receive priority to choose, from all of the issues, those that it wishes to deal with in priority order. Other items would be sent to various committees. This would require a change in the rules. It was discussed, and seemed to have the support of the Rules Committee, in the last Parliament. Would the honourable senator comment on, and perhaps even endorse, the idea of a further responsibility on the part of this chamber to look at these spending and budget materials in the Senate?

• (1520)

Senator Lynch-Staunton: Honourable senators, that is done in the House of Commons. The Estimates are sent to each committee but, unfortunately, as I have read, the departments must contact the committee to find out when the committee will be deliberating on their Estimates.

The level of interest here is much greater. The work done by the Standing Senate Committee on National Finance is outstanding. Dividing up the Main Estimates and sending sections individually to each committee that has responsibility for a department is an excellent idea. It is a question of finding the time to do it within a certain time frame. We should do this if for no other reason than to make ourselves more aware of how government works and how the departments operate, including the intricacies of each department.

That is an excellent suggestion, and I would heartily support it.

Senator Austin: Honourable senators, I comment by way of an observation to the response just received. It would also make government departments and their officials much more sensitive to the views of the Senate.

Senator Lynch-Staunton: Quite right.

Hon. Anne C. Cools: Honourable senators, I rise to ask a question of Senator Lynch-Staunton, following on the question put to him by Senator Austin.

The evidence is that that system of referring the Estimates to many different committees in the House of Commons has failed in that place. The evidence is that the House of Commons is trying to make some corrections to that system. It seems to me that it would be unwise to adopt a system in the Senate that has been shown to be failing in the House of Commons.

Is the Honourable Senator Lynch-Staunton aware of the evidence that that system has been failing in the House of Commons?

Senator Lynch-Staunton: Honourable senators, I do not know if I would use the word "failure," but certainly it has not been a success. That is due largely, I am told, to disinterest on the part of a number of committees in looking at the Estimates. It is a fact that the other place, being a partisan house, the die is already cast before the Estimates are given proper study.

Here, as Senator Austin has suggested, we can do a better job because, as we have seen in the Standing Senate Committee on National Finance, partisanship is put aside. For the same reason, individual Estimates examined by individual committees would see that happen also. Our approach, from a partisan point of view, would be much different than what we see taking place in the House.

Senator Cools: In addition, Senator Austin's ideas could also be enhanced by perhaps the Senate employing the old concept of Committee of Supply, which is really a Committee of the Whole.

Would the Honourable Senator Lynch-Staunton comment on the idea of greater use of the Committee of the Whole on something like the Estimates? The evidence points in the direction that the process deteriorated because most Commons members no longer had a total experience with the Estimates as they had had with the old Committee of Supply.

The Committee of the Whole engages all members simultaneously. Currently, as bills or proposals go to one standing committee, there is only an engagement of a half dozen or dozen members at any given moment. By contrast, the Public Accounts Committee in the House of Commons at the turn of the century had about 90 members.

Has the Honourable Leader of the Opposition given any thought to the additional use of the Committee of the Whole? It is crystal clear, in the wake of the problem with the firearms registry, that much more scrutiny is needed. Even though the Standing Senate Committee on National Finance was scrutinizing the firearms program thoroughly, no minister responded. Has the honourable senator thought about this in any way? It is a most interesting phenomenon.

Senator Lynch-Staunton: Honourable senators, I have not given that concept great thought, but I have been disturbed that when the Estimates are brought before the Committee of the Whole in the other place, they are passed within half an hour without any debate whatsoever. The other place is the House that is supposed to be responsible for the power of the purse, and it absolutely abdicates that responsibility.

I do not know whether we have the time or resources to go through all of the Estimates. However, I would see some advantage in picking one or two every year and having a thorough examination in Committee of the Whole. It would not only acquaint us with the intricacies of each department but also alert the government that in a Committee of the Whole, the Senate can do on a broader basis that which we do in the Finance Committee.

Honourable senators, I would entertain that suggestion and hope that the Standing Committee on Rules, Procedures and the Rights of Parliament, and the Senate as a whole, would follow through on it. Certainly, I intend to pursue it.

Hon. John G. Bryden: Honourable senators, obviously Senator Lynch-Staunton has done a good deal of research and understands this process very well. During his research, has the honourable senator found other legislatures in the tradition of Westminster wherein a process such as that currently being proposed by Ontario is followed? The Premier of Ontario is proposing that the budget be presented to the media in a room at another site somewhere, rather than being tabled in the legislature. Does the honourable senator have any indication that this sort of thing has happened previously in a legislative system elsewhere?

Senator Lynch-Staunton: Honourable senators, I am not aware of that. I listened last night to the interviews of the Ontario Minister of Finance and the Speaker of the Ontario Assembly. That question was raised. The answer was "No, we are not aware of this happening anywhere in a system similar to ours" — by that they meant a Westminster system, of course.

Senator Bryden: Honourable senators, if that is the proposed process, I do not understand by what method it is proposed that the Government of Ontario will gain the approval of their budget. Will it be tabled in the legislature thereafter? Will they have a provincial referendum, or what?

Senator Lynch-Staunton: Honourable senators, as I understood the minister last night, only the budget statement would be read outside of the legislature, but all the legislation, the ways and means motions and so forth, would be tabled in due course. The actual reading of the statement is not required to be done before the legislature. It is like an economic statement, and could be done outside of the legislature, but the tradition is that it should be done before the elected representatives.

The minister was asked about the elected representatives and about honouring the tradition of addressing them. The minister said that they, too, will be invited to the studio or to the hotel room.

Hon. Serge Joyal: Honourable senators, I would like to commend the Leader of the Opposition for his contribution this afternoon. I was listening carefully to him, and I had the impression that what he said this afternoon was, in fact, the second part of the speech that he made at the Rotary Club in Calgary three years ago, I believe. I appear learned on that speech because I quote him in the book that Senator Murray and I are publishing, of which I hope our colleagues will have the benefit next month.

In fact, the issue raised by the Leader of the Opposition this afternoon goes to the heart of the institution. While listening to him, I had the deep conviction that I was listening to our former colleague Senator Stewart. Some honourable senators here were present at the time when Senator Stewart made his extensive knowledge and expertise available regarding the study of the estimates, and the art of the Parliamentary system. We are supposed to be in a responsible government system. A government that is responsible is a government that must ask for the credit from the House.

Through the years, there has been a distinction between the House that must vote the credit and the house where the government is accountable. Being accountable means answering for each and every specific decision that you make. In the other place, the government is supposed to be responsible. That is where it will be defeated or maintain the trust. That is what we will know next week, with regard to the government's Estimates.

(1530)

In fact, where the government is accountable is in this place, for all the reasons that the Honourable Leader of the Opposition has mentioned. First, it is because we have a long-term perspective. We are here for a longer period of time and we remember, from year to year to the other, the kind of commitment that we got from the various departments and ministers. Second, we develop the expertise because, through those debates and questions, we learn from one year to the next. We can use the benefit of our professional knowledge to try to get from the government accurate accounts of what the government is doing.

Third, we are here on a continuing basis. It is not a kind of musical chairs. We maintain stability within the study of the estimates. That is why, in my opinion, and in the thesis that Senator Murray and I developed in the book, the concept of the Westminster model has changed over the years. As a chamber of Parliament, we can play a significant and fundamental role in maintaining the principle of responsible government.

That is why I was so interested in listening to what the Honourable Leader of the Opposition had to say, because this is a concept that is not understood in the other place. I am not inventing the words of the other place when I say that; it is their own report that mentions it. When we were arguing that we have different roles than the other place, this is, to me, the best illustration that our two Houses are complementary. We are not in competition with each other. We each have a specific role to

play. The art of that role is in the Estimates and the budgetary process.

Honourable senators, I hope that the Honourable Leader of the Opposition will continue his reflection on this subject because it is where we can illustrate the most significant parliamentary role of our house. If we can have the opportunity to debate those issues in the way that the honourable senator has been putting forward this afternoon, it will be helpful to improve governance in Canada for the public interest. When a government is not kept accountable, the government goes its own way, loses track of public opinion and the priorities of its citizens, and does not achieve the mandate for which it was elected.

Even though we are not elected, we have a significant role to play in the democratic system in Canada.

Again, I would like to thank the Leader of the Opposition for his contribution this afternoon.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Did you wish to comment, Senator Lynch-Staunton?

Senator Lynch-Staunton: I am overwhelmed. I want to thank Senator Joyal for his remarks. He is right; this is a continuation of what was said in Calgary and elsewhere. Academics and others are fighting the same battle regarding the responsibility of Parliament and of government in its accountability. It seems to be that when a political party becomes the government, it suddenly likes the system through which it was elected and forgets the reforms that it has promised.

I am afraid this will go on too long. If we can take the initiative here, then fine. However, it must also be taken in the other place. As much as they are aware of the problem, I do not find many people over there who are keenly committed to at least proposing changes and trying to force changes.

On motion of Senator Robichaud, for Senator Carstairs, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, would you agree to let stand the remaining items on the Order Paper until the next sitting of the Senate?

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, March 20, 2003 at 1:30 pm.

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(HANSARD)

Thursday, March 20, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, March 20, 2003

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY TO ELIMINATE RACIAL DISCRIMINATION

Hon. Donald H. Oliver: Honourable senators, this is the forty-third anniversary of the Sharpeville Massacre in South Africa. On March 21, 1960, a large crowd of Blacks gathered in the township to peacefully protest the apartheid laws and were fired upon by armed White South African police. By the end of the day, more than 70 people involved in the protest were killed and over 180 were injured by the police. Most of the demonstrators had been shot in the back.

The massacre ignited outrage from church organizations, human rights groups and the international labour community. In 1966, the United Nations declared March 21 as the International Day to Eliminate Racial Discrimination.

In commemorating March 21, we condemn all forms of racism in Canada and throughout the world. We also take this day to recognize the positive contributions made by visible minorities in facing racism, bigotry and discrimination.

Systemic racism has limited the opportunities available to members of the visible minority community in Canada. While visible minorities made up 12 per cent of Canada's population in 2001, they represented only 5.9 per cent of the federal civil service and only 3 per cent of the executive categories. Thirty-eight percent of Canadian-born Whites ranked in the top income quartile, compared with 29 per cent of Canadian-born Blacks with the same education levels.

Racism can be found in many places in our justice system. For example, visible minorities are disproportionately represented in Canadian jails and on the bench in our courts. In Ontario alone, Black people account for 15 per cent of prison inmates, while they constitute only 3 per cent of the province's population. Less than 1 per cent of Canada's judges are Black.

Honourable senators, these statistics show that it is important for us to remember this day, not only for what happened in 1960 but also as a painful reminder of how much work we still have to do to combat racism in Canada. We all have a role to play in eliminating racism, but the key to building a just society, a society free from discrimination, is clearly in educating Canada's youth.

Every year, schools across Canada commemorate March 21 in different ways. Some students participate in debates while others write essays on racism. Students in a Jasper school staged a role-playing game that assigns status to participants based upon a

colour code. Students were treated according to their colour code with the intent of giving them a chance to personally experience the empowering or disempowering effects of racial classifications. One report I read indicated that the participants gained a better understanding of how racial classifications in society can provide or limit opportunities for individuals.

Honourable senators, the activities students partake in during the commemoration of March 21 will increase their understanding of how our diversity demonstrates some of our important strengths. It is to be hoped that a better understanding of diversity will lead to a society that is truly equal in every sense of the word.

In conclusion, in the 43 years that have passed since the Sharpeville Massacre, the quest for true equality has moved forward, but ever so slightly. It took our own government 23 years to adopt the resolution made by the UN in 1966. It is time to increase the pace in achieving equality for all Canadians because our society will not attain its full potential until racism has been eliminated. Every day of the year must be a day to eliminate racism in Canada.

THE LATE DR. DMYTRO CIPYWNYK, O.C.

TRIBUTE

Hon. A. Raynell Andreychuk: Honourable senators, I would draw the attention of the Senate today to the life of a great Canadian, Dr. Dmytro Cipywnyk, a pillar of the community in Saskatchewan, and a dear friend who succumbed to his fight with cancer last week. With his passing, our country has lost a truly compassionate and caring man and an irreplaceable advocate of Canadian multiculturalism. Both the work he performed as a medical doctor and the activities in which he involved himself beyond his professional duties reveal an individual who cared deeply about people. Much of his professional life was dedicated to helping those suffering from substance abuse. He was also very much involved in drawing together diverse communities in Canada and promoting a multicultural Canada.

His dedication to the people of his country and their diverse cultural backgrounds makes Dr. Cipywnyk a great Canadian. His work as an ardent advocate of multiculturalism saw him fill the positions of President of the Canadian Ethnocultural Council, President of the Canadian Ukrainian Congress, President of the Ukrainian World Council and executive member of the Canadian Council of Christians and Jews. He also served as Chair of the Saskatchewan Ukrainian Advisory Committee.

Dr. Cipywnyk's work did not go unrecognized during his lifetime. He was invested with the Order of Canada and received the Canada 125 Commemorative Medal. He was awarded the Shevchenko Medal by the Ukrainian Canadian Congress in 1995. In December 2002, he was received as a guest at the Legislature of Saskatchewan where he was congratulated for receiving the Order for Merit from the Government of Ukraine. The order was given in recognition of his tireless contributions to the Canada-Ukraine cooperation through his involvement in community and professional organizations.

Tribute was paid to Dr. Cipywnyk during his lifetime for all the important work that he performed. I hope that my words, today, succeed in conveying the importance of the contributions that he made to this country. The tributes that will continue to be made to him in the future for his role in promoting multiculturalism in this country will bear witness to the fact that Dr. Cipywnyk was, and continues to be, in our hearts, a truly great Canadian.

• (1340)

In order to do justice to Dr. Cipywnyk's many achievements, I plan to speak at a later date and in greater detail to his life and times, as well as to his contribution to Canadian multiculturalism.

DEFINITION OF AN AMERICAN

Hon. Francis William Mahovlich: Honourable senators, I rise today to share with you the definition of an American. I am not sure who the original author is, but it was directed to an audience with anti-American sentiments. I feel it is important for us to contemplate this, given the current situation facing the world.

An American is English or French or Italian, Irish, German, Spanish, Polish, Russian or Greek.

An American may also be Canadian, Mexican, African, Indian, Chinese, Japanese, Australian, Iranian, Asian, Arab, Pakistani or Afghan.

An American may also be Cherokee, Osage, Blackfoot, Navaho, Apache or one of the many other tribes known as Native Americans.

An American is Christian, or he could be Jewish or Buddhist or Muslim.

An American is also free to believe in no religion. For that, he will answer only to God, not to the government, nor to armed thugs claiming to speak for the government or for God.

An American is from the most prosperous land in the history of the world. The root of that prosperity can be found in the Declaration of Independence, which recognizes the God-given right of each man and woman to the pursuit of happiness. America is generous. It has helped out just about every other nation in the world in their time of need. When Afghanistan was overrun by the Soviet army 20 years ago, Americans came with arms and supplies to enable the people to win back their country.

As of the morning of September 11, Americans had given more money than any other nation to the poor in Afghanistan.

Americans welcome the best — the best products, the best books, the best music, the best food, and the best

athletes — but they also welcome the least. The national symbol of America, the Statue of Liberty, welcomes your tired and your poor, the homeless, tempest-tossed.

These, in fact, are the people who built America. Some of them were working in the twin towers on the morning of September 11, earning a better life for their families. I have been told that the World Trade Center victims were from many countries, cultures and first languages.

You can try to kill an American, if you must. Hitler did. So did General Tojo, Stalin and Mao Zedong, and every bloodthirsty tyrant in the history of the world. However, in doing so, you would just be killing yourself.

Because Americans are not a particular people from a particular place. They are the embodiment of the human spirit of freedom.

Everyone who holds to that spirit, everywhere, is an American.

[Translation]

JUDGE PHILIPPE KIRSCH

CONGRATULATIONS ON BEING ELECTED PRESIDENT OF INTERNATIONAL CRIMINAL COURT

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to join with my colleagues, Senators Raynell Andreychuk and Douglas Roche, in extending to Ambassador Philippe Kirsch my warmest congratulations on the occasion of his being elected President of the International Criminal Court.

His election to the Court and then, in recent days, his election as its President, are a huge honour for him and for Canada, and a wonderful recognition of his talent in international law.

In my opinion, Ambassador Kirsch was by far the best possible candidate this country could provide.

In these troubled times, this court has a key role to play internationally. International law is constantly evolving to fit evolving needs, and I am delighted to see how it is gaining in strength and visibility.

I wish Mr. Kirsch all the success he so richly deserves.

[English]

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, I rose yesterday to make a statement about the terrible situation that the world is in; that there are leaders who are tyrants, oppressors and despots, and that sometimes human rights atrocities, while acceptable within a nation's borders, are most certainly beyond the pale when they cross borders and continents, bringing terrorist ways to our soil.

I also stated, yesterday, that I fully support the President of the United States, the Prime Minister of Britain and their allies in this battle for our future stability and safety. Today, I think it is important to state, in this chamber on Parliament Hill, in our nation's capital, that the nations that are on the side of the United States — the nations that are supporting with troops, specialists, supplies and experts, in an effort to eradicate and decimate one of the most evil regimes to have graced the earth, 35 countries at last count — include Britain, Spain, Denmark, the Netherlands, the Czech Republic, Slovakia, Poland, Australia, and many more.

Canada, under the Liberal government, has fallen victim to a public opinion that it has helped to create and has chosen not to support the United States in the war with Iraq. While we live in a nation where we can express our opinions, I believe we elect our governments to make decisions that we are not in a position to make, since we are busy living our own lives, raising families and building our own individual futures. It seems that public opinion, since it can hardly believe that our National Defence and Foreign Affairs departments could have a policy of not supporting our greatest ally and trading partner, has decided that we stand in the company of such nations as Mexico, Russia, China, Germany and France.

Honourable senators, I truly wish that this war was not necessary, that it did not have to take place. I also wish that the World Trade Center had never been attacked, and that the *USS Cole* and the U.S. embassy in Kenya, in 1998, had never been bombed, and that there was no threat of chemical or drug warfare looming over the heads of families around the world. However, wishing will not make it so. Diplomacy has failed: not just days and weeks, but years of diplomacy.

Before I close, I want to reflect on some of the things said recently by members of the government. The Prime Minister told George Stephanopoulos that Canada supported military action in 1991, until Saddam was contained in Baghdad. Of course, the Prime Minister, at that time, was the Leader of the Official Opposition and neglected to mention that, in fact, he did not support Canada's allying itself with the United States.

Another member of Parliament, who does not deserve to be named, said two weeks ago, "Damn Americans, I hate those bastards," which was later clarified to mean, and I quote, "Not the American people per se, just eight or nine warmongering members of the Bush Administration."

On Tuesday of this week, the Natural Resources Minister, Herb Dhaliwal, said that Bush let Americans and the world down by not acting like a statesman in this crisis. It is for this reason that I rise today to call for the immediate resignation of Minister Herb Dhaliwal, who has demonstrated again that it is not a difference in policy but misguided ideology without the United Nations' authority that is driving government policy.

Some Hon. Senators: Hear, hear!

[Senator Tkachuk]

[Translation]

ROUTINE PROCEEDINGS

BROADCASTING ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, March 20, 2003

The Standing Senate Committee on Transport and Communications has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-8, *An Act to amend the Broadcasting Act*, has, in obedience to the Order of Reference of October 24, 2002, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations on the Bill.

Respectfully submitted,

JOAN FRASER
Chair

(For text of observations, see today's Journals of the Senate, p. 567.)

Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kinsella, bill place on Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 20, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

ELEVENTH REPORT

Your Committee recommends a 2.8 per cent economic increase to unrepresented employees of the Senate Administration effective April 1, 2003.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

[English]

On motion of Senator Bacon, report placed on Orders of the Day for consideration at the next sitting of the Senate.

TWELFTH REPORT OF COMMITTEE PRESENTED

The Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 20, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TWELFTH REPORT

The current travel policy for the Senate committees includes the following:

Members of a travelling committee and their staff are entitled, for travail within and outside Canada, to a per diem equivalent to the Treasury Board rate or actual expenses accompanied by original receipts.

This policy was adopted in the 38th Report of the Committee on Internal Economy, Budgets and Administration on March 29, 1990. It was adopted by the Senate on May 1, 1990.

The current policy has no upper limit or restrictions, seriously compromising accountability.

Your Committee recommends that the policy be amended as follows, to bring it in line with Treasury Board policy:

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred shall be reimbursed, based on original receipts.

Such a change would improve the policy by allowing a reasonable level of flexibility, while increasing accountability.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on Orders of the Day for consideration at the next sitting of the Senate.

QUESTION PERIOD

UNITED NATIONS

WAR WITH IRAQ— LEGAL OPINION ON RESOLUTION 1441

Hon. A. Raynell Andreychuk: Honourable senators, the Leader of the Government in the Senate has commented that Canada's decision not to participate in the war in Iraq was made on a public policy basis and not on a legal interpretation. However, it would appear that good public policy is also within the bounds of good interpretations of the law, as Canada continually goes around the world indicating that the rule of law is one of the paramount foundations of a democratic system.

On Monday, Britain's top legal expert, Attorney General Lord Peter Goldsmith published his opinion, that the coming war in Iraq could be justified under existing UN resolutions 678, 687 and 1441. Similarly, it was the opinion of the Canadian government, not so long ago, that resolution 1441 provided legal justification for the war. That opinion seems to have changed. Minister of Foreign Affairs Bill Graham explained that by saying, it is not so much the legal justification that changed but the circumstances. His point appeared to be that there are more issues to consider than the legal justifications. Yet Mr. Chrétien said in the other place, a few days ago, that if the attack on Iraq were to be justified and approved in a resolution by the Security Council, we would have to say yes to the war.

If that is the Prime Minister's position, could the Leader of the Government in the Senate tell us whether, in fact, Canada has obtained the opinion of a legal expert on the interpretation of resolution 1441 and our position on the justification of any war?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, a legal opinion was not sought. The decision we made was not based on whether the war was legal. It was based on a policy decision to support the Security Council, and the Security Council did not vote on a resolution to go to war.

Senator Andreychuk: Honourable senators, we come in contact with many parliamentarians and government officials from around the world. They are asking us whether Canada would support the United Nations if there were to be a justifiable resolution allowing for active combat. If there were to be a resolution by a majority of members of the United Nations indicating that war is necessary, what would be Canada's position?

Senator Carstairs: The position of the Prime Minister has been very clear. We would support a resolution of the Security Council of the United Nations.

Senator Andreychuk: If the Prime Minister were to indicate that, on a public policy basis, resolution 1441 could lead to war, that begs the question of whether we would be supporting the United Nations.

Do we believe that resolution 1441 allows for military intervention? The Canadian people have a right to know that the government's decision is based on a firm legal footing in support of the United Nations, not on a public policy basis.

Senator Carstairs: The United States and its coalition partners are arguing that military action is justified under existing Security Council resolutions. The Security Council took the position that military action is not justified under those resolutions. The United States chose not to bring to a vote, on Monday, the matter of whether there would be an additional resolution.

Our decision was based on it not being an appropriate time to go to war because we had an inspection process that was ongoing, it appeared that the Iraqi government was disarming and it should have been given more time to continue that process. We do not have a vote at the Security Council because we are not presently a member of that Security Council.

Senator Andreychuk: Honourable senators, it is extremely important for the Canadian people who have supported the United Nations in the majority and who also support the rule of law to understand Canada's position. The citizens of other countries are receiving words from their governments as to whether resolution 1441 binds them to enter Iraq alongside the United States. Others have indicated that they are not bound. That is their interpretation.

• (1400)

The government is not giving Canadians the basis upon which we support the United Nations. Do we believe, and have we legal opinions to say, that resolution 1441 is not enough? It is not good enough for us to simply say that we are skirting the issue and we will do it on a public policy basis. We should never say yes or no to war unless we have firm respect for the international rule of law and have made assessments on that basis.

Senator Carstairs: The honourable senator is talking to very different Canadians than I am. The Canadians with whom I am speaking clearly support, in very large numbers, the decision of the Prime Minister of Canada, that we will not go to war.

Some Hon. Senators: Hear, hear!

Senator Andreychuk: Honourable senators, as the Americans and their allies go into Iraq, I believe the Canadian people deserve to know what position Canada will take. The French, for example, have indicated that if Saddam Hussein retaliates against the Iraqi people, they will not stand by. What is Canada's position in that regard?

Senator Carstairs: Honourable senators, my honourable friend is doing what other senators did yesterday, and my answer is the same. I will not deal with a hypothetical situation. The Government of Canada has been clear: It will support the multilateral process. The Security Council of the United Nations did not make a decision to go to war. Canada did not make a decision to go to war. Should the Security Council make a

decision based on new facts, new information and further deliberations, Canada will support the multilateral process of the Security Council.

WAR WITH IRAQ—LEGAL OPINION

Hon. Douglas Roche: Honourable senators, has the minister noted the statement by UN Secretary-General Kofi Annan last week that if war were to be launched by the U.S. without a mandate from the United Nations, it would be a violation of the UN charter? That certainly was a factor in Canada, coming to a correct as well as a courageous decision.

With respect to this very controversial question of the legality of the war, has the minister noted the open letter signed by 31 Canadian professors of international law at 15 law faculties from coast to coast, including Irwin Cotler, well known to everyone here as one of Canada's experts in international law? The letter states that launching an attack on Iraq violates the United Nations charter and thus is an illegal act.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Beaudoin took me to task on this issue because he did not think that we would get five different legal opinions, although he suggested we would get several different legal opinions. A number of individuals, Kofi Annan being one and Boutros Boutros-Ghali being another, have indicated, in the clearest possible terms, that they believe this war is a violation of the United Nations charter. Clearly, the United States and Britain believe that they have the legal authority, under resolutions 678 and 1441, to participate in this war. I think the position of Canada is the clearest position of all; that is, we made a policy decision that we will not go to war because war is not justified at this time.

Senator Roche: I want to say "amen" to the answer that the minister just gave.

FOREIGN AFFAIRS

WAR WITH IRAQ—POLICY TO AID REFUGEES

Hon. Douglas Roche: Honourable senators, did the minister note the statement, yesterday, by Secretary-General Kofi Annan, appealing to the international community to do everything it can to mitigate the imminent disaster of the humanitarian crisis facing the Iraqi people, a statement echoed by UNICEF Director Carol Bellamy, who warned publicly that the most vulnerable of Iraq's children will not have the strength to survive the impact of the war?

In light of these statements about the humanitarian disaster, and recognizing that Canada has appointed Minister Susan Whelan to be the lead minister in carrying forward Canada's efforts of reconstruction in Iraq, can the Leader of the Government in the Senate offer more information about precisely what kind of aid Canada will provide in the current disaster, aid that cannot wait for the conclusion of the war?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I hope my answer will bring full clarity to this issue. The Prime Minister stated earlier today that the government is already working closely with the international community, at the multilateral level, to start the post-war reconstruction of Iraq.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— USE IN SEARCH AND RESCUE— TIMELINE FOR RELEASE OF TENDER

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, in response to a question, she stated in reference to the CBC story on the Sea Kings:

...they did not make mention of the fact that the Sea Kings that had been functioning in the area of search and rescue have now been replaced. Sea Kings are no longer being used in that capacity; the search and rescue helicopters are now Cormorants.

I am not absolutely certain what the colour of the sky is in the minister's office, but I do know that if she would take the time to speak to the Sea King pilots or the men and women who maintain them, she would find that the Sea King is still the alternate vehicle for search and rescue and that the Cormorants are not all in place. Even if they were, the Sea King would carry on search and rescue missions at sea.

Can the minister indicate whether she was right and I am wrong? While she is on her feet, can she tell us when, in the name of God, we will get replacements for the Sea Kings?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Forrestall for his question. Of course, he is partly right and I am partly right. As he well knows, the Sea King performs search and rescue work, but as a secondary function, not a primary function. He is right that they do still have a search and rescue function.

As the honourable senator knows, the Maritime Helicopter Project is ongoing. It is hoped that an announcement will take place soon.

Senator Forrestall: Honourable senators, as the minister will know, our only Sea King in the Gulf is down because its titanium rivets, or at least one of them, is in need of replacement.

I have an article in my hand from October 25, 2002, just a few short months ago, from the *Halifax Daily News* that described the rescue of five men by a Sea King helicopter.

Will the Leader of the Government confirm that search and rescue remains one of the primary and not a secondary role for the Sea King, and certainly the primary role of the maritime search and rescue vehicle, when and if we ever get around to seeing it? The operational requirements, the ones described, which the minister has said have not been changed, remain in place. I am somewhat disappointed because the interpretation has now seen

the weight of competitive vehicles come down to a level where they can compete with a far superior piece of machinery. I draw to the attention of the minister Mr. McCallum's indication of the importance of getting best value for Canadian defence dollars and for Canadian taxpayers.

• (1410)

Can the minister confirm that, under present circumstances and at present speeds, the Sea King will remain the primary source of search and rescue capability on Canada's East Coast, parts of its North, certainly the Gulf of St. Lawrence, parts of the Great Lakes, and indeed the West Coast as well?

Senator Carstairs: Honourable senators, I can only share with the chamber the information that I am provided with as advice to the minister, and I quote: "Search and rescue is a secondary function of the Sea Kings." I cannot be any clearer than that.

The honourable senator has asked questions about the weight of the equipment, which he has asked before. Frankly, he knows that the equipment has been reduced in weight by a considerable measure, which is the reason for some changes being made. However, there has been no change made, as the honourable senator also knows, on the Statement of Operational Requirements.

Senator Forrestall: Honourable senators, if I ask for a butter knife, for God's sake do not give me a spade! Come on.

Will the minister tell us, as she has candidly done in quoting the minister, how she interprets the minister's further statement that Canadian taxpayers and Canadian military personnel are entitled to the best value for their tax dollars in terms of equipment? How does she react to that?

Senator Carstairs: Honourable senators, I react the way I would hope everyone would react, which is that in order to get the best value for our taxpayers' money, because they work hard to obtain that money, we cannot make decisions in advance about what we will choose as the potential replacement for the Sea Kings. That being said, we must carefully evaluate all of the available options.

Senator LeBreton: Twelve years later!

Senator Forrestall: Can I then suggest that the leader refer her colleague — because obviously he does not know what the hell he is talking about — and the government purchasing agency to Toys "R" Us?

Senator Carstairs: It is not particularly helpful to participate in this kind of dialogue day after day. It does nothing for the valuable men and women who serve with great distinction on the Sea Kings. It does nothing to recognize the value of the 5,000 hours they have spent on the war on terrorism, all with great success. The honourable senator should think about the impact of what he says on the hard-working Sea King pilots and crews.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM BY MR. ERNST ZUNDEL—
MINISTER'S DISCRETIONARY POWER
TO DISMISS CLAIM

Hon. David Tkachuk: Honourable senators, Ernst Zundel is attempting to claim asylum in this country as a political refugee. He is well known as a Holocaust denier and a hate monger, and last year the Canadian Human Rights Commission ruled that he has incited hatred against Jews. The Canadian Security Intelligence Service previously assessed him as being a security risk in our country. Mr. Zundel is a citizen of Germany, where he is wanted on hate crime charges.

Mr. Zundel was returned to our country by U.S. authorities on February 19 and is still here. The Canadian Jewish Congress has said that he is making a farce of our refugee process, which is absolutely right. Through the use of a national security certificate, Citizenship and Immigration Minister Denis Coderre has the discretionary power to dismiss any refugee claim involving people deemed a security risk. This power to remove Mr. Zundel should have been used as soon as his identity was verified.

Honourable senators, it has been suggested by human rights groups that if Germany suspended its charges against Mr. Zundel, the foundation for his refugee claim would be removed, thus enabling his swift removal from Canada. Could the Leader of the Government in the Senate tell us if the government is open to working with German officials on such a proposal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is no question that the Government of Canada will work with any officials to facilitate the exit of this particular individual from our nation.

Having said that, there are laws and processes in this country. We had a full discussion earlier today about the importance of the rule of law, which we, as parliamentarians, must all respect.

Senator Tkachuk: Honourable senators, I will go back to my question: Is the government open to working with German officials on such a proposal? Mr. Zundel is a German citizen and that is where the problem lies. Do not just say "any officials." Why did the Minister of Citizenship and Immigration, Denis Coderre, not use his discretionary power to dismiss any refugee claim?

Senator Carstairs: When I included nations, I also included, of course, Germany, which has indicated clearly that it would like to have this individual back in their country to try him for offences that they believe are inhumane.

In terms of the honourable senator's other question with respect to the security risk, there are clear definitions of security risk. One cannot just use any definition of security risk. I have not seen the case files. I do not know if Mr. Zundel is a security risk. He is someone I would much prefer not to have in this country. However, the definition of security risk gives the Honourable Minister of Citizenship and Immigration very limited authority.

Senator Tkachuk: To be more specific, because I want to confirm that the leader understood my question, the Canadian Security Intelligence Service previously assessed Mr. Zundel as being a security risk to our country. All I want to know is why the minister did not use his discretionary power to dismiss Mr. Zundel's refugee claim. If the honourable leader cannot answer that question today, that is fine. It might be more helpful if she could obtain an answer from the minister.

The only nation that we have to negotiate with is Germany because Germany has charged Mr. Zundel. If those charges are removed, then the guy can be shipped back to Germany and they can deal with him. I am not talking about any officials in other countries; I am only talking about Germany. I want to know if we are prepared to have discussions with Germany or if such discussions are taking place.

Senator Carstairs: My understanding is that discussions are taking place, but extradition has not been requested at this point.

HEALTH

HIV/AIDS INFECTION RATE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with HIV/AIDS.

The Canadian HIV Trials Network, a federally funded non-profit organization, has released disturbing new findings that show that the rate of HIV/AIDS infection among our Aboriginal and Black populations in Canada is on the rise. It is being blamed on the poverty and poor social conditions these groups face.

The new figures show that HIV infection rates among Aboriginals in Vancouver's downtown east side are between 40 and 50 per cent. This is a shocking number. It is equivalent to the current HIV infection rate in northeastern Botswana, one of the African countries most devastated by this disease.

Honourable senators, in Botswana, HIV infection is usually an automatic death sentence. In Vancouver, it does not have to be. We are lucky in Canada that, as a result of more readily available anti-retroviral drugs, people with AIDS can live longer, more productive lives. However, this new study shows that we are a long way off from having the spread of the disease under control.

What is the federal government doing to stem the rise of infections among these particular groups?

Hon. Sharon Carstairs (Leader of the Government): First, let me assure the honourable senator that this is an issue of great concern to the Government of Canada. It is one of the reasons the First Nations and Inuit Health Branch was given substantial new dollars this year to improve the health of Aboriginal Canadians.

I should also tell the honourable senator that I visited the Aboriginal community of Nelson House this summer. I observed an AIDS education initiative and program that was open to all members of the community, but it was particularly focused on the youth of that community. That is the kind of programming we need, not only in First Nations communities but also in Aboriginal communities, since the majority of our Aboriginal people actually live off-reserve now.

• (1420)

Senator Oliver: Honourable senators, that answers the Aboriginal element, but not the second part of the question.

Through the Canadian AIDS strategy, the federal government spends \$42.2 million annually on AIDS prevention, research and treatment. Activists say this amount should be doubled. From a purely economic standpoint, an increase in funding for the strategy is a wise position. Currently, it costs \$150,000 to treat each new AIDS infection. By putting more money into prevention and research now, increased costs can perhaps be avoided in the future. Is the government considering an increase in the amount of funding it provides to the Canadian AIDS strategy?

Senator Carstairs: The answer is that, at this time, a decision has not been made to increase funds for the AIDS and HIV strategy. Forty-two point two million dollars is a substantial amount of money, considering the number of individuals in the country who have been or may be exposed to HIV. Clearly, that money must be spent as carefully and wisely as possible, and I believe that it is.

AGRICULTURE AND AGRI-FOOD

WORLD TRADE ORGANIZATION— COMMENT ON LEVEL OF SUBSIDY TO FARMERS

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. She will know that the World Trade Organization has been holding their meetings in Japan during the past weeks. The World Trade Organization has said that Canadian government support for farmers, both federal and provincial, is lower than the average of industrialized countries.

Does the minister not feel that, given the difficulties that farmers are facing, this level of funding is far too low, even as the World Trade Organization tells us that these levels should be increased at this difficult time?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is interesting, but I have quite a different interpretation of the statement of the WTO than does the honourable senator. I do not dispute that that is what the WTO have said; however, I believe they were congratulating the Canadian government on its decision not to reach the level of subsidy and payment that has now been achieved in Europe and the United States.

Senator Gustafson: Honourable senators, it is hard to accept that answer because when Canadian farmers are only receiving half of what other farmers in industrialized nations around the world are receiving, that creates problems.

ASSISTANCE TO FARMERS

Hon. Leonard J. Gustafson: Honourable senators, certainly, what happens to farmers affects rural Canada. Rural Canada, whether with respect to fish, agriculture, lumber, oil and gas or minerals, all of those categories fall under the portfolio of

Agriculture Canada. Does the minister not think that the government should leave some of that money in the rural areas of this country?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator well knows, an agreement has been established. This new agricultural policy framework, or APF, is a long-term plan designed to enhance the profitability of Canadian farmers and to position Canada as a world leader in food safety and quality, as well as in environment and science. This agreement has been worked out among the federal government, the provinces and the territories, as well as with the farmers themselves. This is a "good news" package. The APF is making excellent progress. I am sure we all hope that the APF will be instituted soon.

Senator Gustafson: Honourable senators, when you look at the facts, though, that is not the case.

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Gustafson, but the time for Question Period has expired.

[Translation]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald H. Oliver moved the second reading of Bill S-16, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

He said: Honourable senators, you are no doubt aware that the Speaker of the Senate is currently appointed by the Queen's representative in Canada, the Governor General, on the Prime Minister's recommendation.

Over the years, this method has greatly benefited the Senate. Numerous Canadian senators, among the most notable, have occupied the Chair and have continued to enrich public life long after they have left it. They have served the Senate and Canadians with honour and dignity.

Many of us have had the enviable privilege of sitting in this House while these former speakers occupied the Chair. Some names immediately come to mind: the Honourable Guy Charbonneau, the Honourable Roméo LeBlanc and the Honourable Gildas Molgat. Their achievements have brought honour to this House and the people we serve. All of us have excellent reasons to be proud of their great accomplishments.

Some appointments have been particularly inspired and informed. I think that most Canadians know that Madame Sauvé was the first woman to be Speaker of the other place in 1980, but it should be noted that the Honourable Murielle McQueen Fergusson of New Brunswick was appointed Speaker of the Senate in December 1972. As a result, she was the first woman to be Speaker in Canada's Parliament.

However, the time has come to amend this procedure by making a change that is not based on dissatisfaction or the premise that recent office holders have been found lacking. The change I am about to move aims instead to improve the image and effectiveness of this function, based on tradition.

Consider the important role played by our Speaker. He oversees the debate, rules on Points of Order and ensures that decorum is maintained.

[English]

These duties are not light, nor are they minor. In performing them, the incumbent holds in his hands the very reputation of the Senate as a key institution of government in this country.

Honourable senators, we rely on the Speaker to act fairly and judiciously, to achieve compromise between deeply-held and opposing views, and to move us toward consensus. The Speaker is our civilizing influence, the one who reminds us of our higher duty to this nation, to its people, its Sovereign and, indeed, to the history and tradition of this chamber.

Hon. Senators: Hear, hear!

Senator Oliver: Honourable senators, the Speaker also represents us as individual senators and, collectively, as a governing body and as an institution. Let us also recall that, to be effective, the Speaker needs our support and confidence.

As a former Speaker of the British Columbia Legislative Assembly, the Honourable Joan Sawicki, once remarked:

members' support is the only armour that comes with this unique, exposed position.

[Translation]

Honourable senators, given that the Speaker needs our trust and that he represents us all, I wonder if the time has not come to elect him by secret ballot. The Speaker is not the servant of the Prime Minister, of the government or of the opposition; he is the servant of the Senate.

• (1430)

Honourable senators, an election by secret ballot will reinforce the Speaker's position. His election will place responsibility where it should be: on our shoulders.

[Senator Oliver]

Honourable senators, you may wonder if other Commonwealth countries elect the Speakers of their legislatures. The answer is yes.

The Australian Senate has been electing its Speaker by secret ballot since 1901. The Speaker receives a three-year mandate through a secret ballot that all the senators vote in.

The very first debate, which was held in the Australian Senate on May 9, 1901, was on the method of choosing a Speaker. After the debate, it was decided that a secret ballot would be the best way to express the choice of the majority of the senators.

[English]

In 1937, inspired by the actions of the upper chamber, Australia's lower house, the House of Representatives, also began electing its speakers. Honourable senators, I urge you to take note of the Australian example. Canada's parliamentary system, like Australia's, is based on the model established in the United Kingdom: the Westminster parliamentary system.

[Translation]

Indeed, it is appropriate for Canadians to be inspired by this model when they review their own parliamentary system.

We could look at the procedure for choosing the Lord Chancellor, who is the Speaker of the British House of Lords.

The Lord Chancellor is a member of Her Majesty's government and is appointed by the sovereign on the recommendation of the Prime Minister.

The procedure has not changed and probably will not change, which is entirely justifiable. The Right Honourable Lord Wakeham DL, Chair of the Royal Commission on the Reform of the House of Lords, wrote the following in his final report in 2000:

[English]

The speaker has minimal powers: standing order 18 states that the speaker may do nothing "without the consent of the lords first had" and that any difference of opinion among the lords is to be put to the vote. The speaker's only role is to put the question. That the office is held by the Lord Chancellor, a minister of the Crown, rather than by an impartial officer of the house, is therefore of no practical concern.

That quotation is from *A house for the future*, London, England, 2000, p.160. Honourable senators, I suggest to you that our Honourable Speaker of the Senate is somewhat different. Although it is difficult to countenance it now, there was a time when this chamber was given to bouts of rowdiness. These disturbances reached a point where the ordinary conduct of business and civility that characterizes the house today was under threat. This led to a movement, beginning in the 1890s, to give the speaker in this chamber more authority.

[Translation]

This is why the Rules of the Senate were amended in 1906 to give the Speaker the same powers as those of his counterpart in the other place.

As honourable senators know, in the past, the Speaker in the other place was appointed by the Prime Minister, through a motion that was usually approved by Her Majesty's Leader of the Opposition. That motion was almost invariably adopted unanimously.

However, this whole procedure was changed in 1986, when the other place elected its Speaker through a secret ballot. In 1987, this way of doing things became permanent.

Honourable senators, electing the Speaker through a secret ballot has proven effective. Except for the first election, which required 11 ballots and lasted 12 hours, things have gone smoothly, and everyone, without exception, has praised the outcome of the process.

[English]

Other legislatures in Canada have also determined that it is best to elect their Speakers by secret ballot. Ontario did so in 1990; Saskatchewan in 1991; Alberta in 1993; with British Columbia and New Brunswick following in 1994.

[Translation]

Honourable senators, should this house resist a change that other Canadian legislatures have adopted successfully? I say that we should move forward. Let us take the responsibility of choosing one of us to act as Speaker of the Senate.

Honourable senators, in so doing, we will not only strengthen the reputation of our Speaker, but also the reputation of this House. We must show our maturity and our influence. We must allow our Speakers to benefit from the tradition that has been established and followed so honourably.

[English]

You may ask, how do we go about making this change to have an elected Speaker? The answer, honourable senators, is that we must amend the Constitution of Canada. My proposed bill would repeal section 34 of the Constitution Act of 1867, and provide for the election of the Speaker of the Senate and a Deputy Speaker. May I remind you that the old section 34 read as follows:

The Governor General may from time to time, by instrument under the Great Seal of Canada,
Appoint a senator to be Speaker of the Senate,
And may remove him and appoint another in his Stead.

Section 1 of my proposed bill would repeal Section 34, with a provision indicating that the Senate shall proceed, with all practical speed, to elect one of its members to be Speaker and another to be Deputy Speaker. The draft bill amends the Constitution Act of 1867 to provide for a voting procedure similar to that of the House of Commons, where the elected speaker of that house may not vote except when the votes on a question are equally divided. It also makes consequential amendments to the Parliament of Canada Act.

Honourable senators may ask, does this mean that we need a majority of the provinces of Canada concurring in an amendment? The answer is no. Under section 44 of the Parliament of Canada Act, Parliament has the exclusive right to make laws amending the Constitution. Should this bill pass the Senate, it then goes to the House of Commons, and if it passes there, it could become law.

Hon. Jack Austin: Honourable senators, I want to address a question to Senator Oliver. I want to begin by expressing my appreciation for the hard work that he has put into this address. It is a most interesting subject. I want to ask, first, if the honourable senator is speaking for the opposition caucus, or presenting this as his own individual bill?

Senator Oliver: I raised this matter some time ago in the caucus. I explained what I was about to do, and I think I had a general concurrence of the caucus to proceed. It was not unanimous, but they knew that I was planning to do this. I have also spoken to some senators on the government's side, and they have been aware of what I am doing for some time. I have some general concurrence there as well.

Senator Austin: I heard the deputy leader on the opposition side say that it has unanimous support in the opposition caucus. I wonder whether you might give consideration to a less difficult procedure? For example, should the chamber believe that it would be best served by electing the Speaker, we could avoid constitutional measures by passing a resolution that would request the Governor-in-Council to appoint a Speaker on the advice of the Senate, that advice being given, of course, through a secret ballot election. If we could persuade the prime minister of the day and his cabinet to so do, then the substance of your submission would be achieved without the necessity of a constitutional proposal.

• (1440)

Is the honourable senator more interested in opening the Constitution or in achieving an elected Speaker?

Senator Oliver: Honourable senators, I am not more interested in opening the Constitution. However, I do not see how the Governor General can overcome section 34 of the Constitution, which provides that "she shall." It seems to me that that section would have to be removed before she could do something opposite. You cannot possibly avoid an appeal of that section by using section 44 of the Constitution Act. The powers have been given to the Senate to do just that.

Section 44 is there to give Parliament the right to deal with matters both in the House of Commons and in the Senate. This is not a matter for the provinces, so we do not have to invoke the section requiring the support of the provinces for this. It is not one of those amendments where we need to get more than 50 per cent of the provinces on side.

Senator Austin: I have no quarrel with the honourable senator with respect to his submission in terms of the Constitution. I was not suggesting a constitutional change, but a change along the same substantive lines being proposed. Those would, of course, be with the cooperation of the Governor-in-Council.

This chamber could ask the Governor-in-Council to not give advice to the Governor General with respect to the appointment of a Speaker, unless and until the Senate had expressed its view. That would be an informal procedure. That was the basis for my question on whether the interest was in opening the Constitution or in achieving, in effect, the election of a Speaker.

Senator Oliver: Honourable senators, I had not given thought to the more informal view. I had thought that in order to make the changes sought it would be necessary to remove the provision that now gives the power to the Governor General, on the advice of the Prime Minister and the Governor-in-Council, to appoint the speaker.

I was of the impression that it was necessary to have a constitutional amendment to make the change.

Senator Austin: I do not want to call what I have said a proposal, but I am suggesting that the power constitutionally would always remain with the Governor-in-Council. However, the Governor-in-Council could, as a matter of custom — comity, to use the old common law phrase — adopt a different process if so wished.

The fundamental question is whether what is being sought is to make a substantive change or to open the Constitution. Senator Oliver's answer is that his interest is in making the change to the way in which the Speaker is selected.

Senator Oliver: The honourable senator is correct. However, I would worry about the permanence of any such solution. Could that comity not be changed by the subsequent will of a subsequent Prime Minister and subsequent Governor-in-Council who would advise the Governor General that they want the practice changed to something different? If the Constitution were amended, it would be permanent.

Senator Austin: Honourable senators, it comes down this. It is whether one wishes to get to first base or hit a home run. What are the odds?

Senator Oliver: Is the honourable senator suggesting that if I persevere, I will only be getting to first base?

Senator Austin: The honourable senator might get to first base, but I do not think there will be a chance of getting the home run.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question for Senator Oliver follows on the line of questioning of Senator Austin. If one were to accept the model proposed by Senator Austin —

[Senator Oliver]

Senator Austin: I am not proposing a model, but merely providing an outline.

Senator Kinsella: — would that not equally apply to the election of senators? Upon the election, however informal, by a province by whatever means, the Prime Minister could establish the custom of nominating or recommending that senator to the Governor General. Would that be by the same method? Was that not the method used in the case of Senator Waters?

Senator Oliver: Honourable senators, Senator Waters was elected in a form of an election in the Province of Alberta, but he was summoned pursuant to the terms of the Constitution Act, like everyone else here.

Regarding the other matter of whether the method suggested by Senator Austin could not also then be applied in the election of senators, I say, "No, that is not a possibility"

Hon. Marcel Prud'homme: Honourable senators, my colleague has mentioned the election of Speakers in the provinces. Was I absent a moment? I did not hear Quebec mentioned. If it were, I apologize. However, if it were not mentioned, I draw to everybody's attention that the National Assembly holds elections for its Speakers. A personal friend of mine, Louise Harel, became the first Speaker elected in a secret ballot.

I stand to be corrected by my colleague, but I am sure that the honourable senator would like to include that, if my facts are correct. If my facts are not correct, then I apologize. I made an honest mistake.

Madame Harel was elected more recently than the others, and she is a woman. I shall check if she is not the first woman Speaker. Does the honourable senator know if that is the case?

Senator Oliver: I do not know.

Senator Prud'homme: I am speaking of the provincial houses.

Here in the Senate, we had Madame Muriel Ferguson and Madame Renaude Lapointe, but I am talking at the provincial level.

On motion of Senator Joyal, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, before I begin with my comments on a bilingual version of our national anthem, I would like to congratulate Senator Oliver for his excellent French. It was quite easy to follow his comments and I would encourage him to continue improving his French.

Honourable senators, debate on a bilingual version of the national anthem might normally spur us to rhetorical flourishes, but I do not feel that would be appropriate today and so I will promise not to exaggerate my comments unnecessarily with old-fashioned embellishments, since I am saddened by the events on the other side of the world. When we see the conflict that has gripped the world, it goes without saying that we are very lucky in Canada.

There is not much to add to the comments made by Senator Kinsella, the sponsor of this bill. It is not because I formally supported his initiative that I feel compelled to speak today.

• (1450)

I do so out of conviction. Some were surprised to see me support this kind of proposal, as if I were more one thing than another.

Senator Kinsella and I both come from New Brunswick. I should remind honourable senators that New Brunswick is the only officially bilingual province in Canada. Personally, I come from a small town — to keep things in their proper perspective — called Grand Sault-Grand Falls. It is the only officially bilingual town in Canada.

I spoke English before I went to school, and English was not my mother tongue. We had English-speaking Irish neighbours who, conversely, learned to speak French before ever setting foot in school. In those days, our school system was far from perfect, but we did have the right spirit.

I grew up in a community where people easily switched from English to French in a conversation. We never had any problems, squabbles or what not. That is why I support Senator Kinsella's proposal.

There is no good reason to raise red flags over this issue. Both the English and French versions of the national anthem, as clearly stated by Senator Kinsella, remain unchanged. An official bilingual version is made available to members of the public who are interested, to prevent what was termed a "cacaphony" by Senator Prud'homme. His neighbour corrected him, pointing out that the correct term is "cacophony."

That is indeed what happens when attempts are made to get the public to sing a bilingual song. It is chaos, everyone picking and choosing in the French or the English version. This poses huge problems, if only from the point of view of musical performance.

Speaking of music, I consider those countries whose national anthem is only music to be fortunate indeed. Canada would be an ideal candidate for such an anthem.

In Turkey, for example, the national anthem has no words, which I assume promotes broader support. In Canada, as long as there are words to our national anthem, there will always be someone wanting to make changes to take into consideration the points of view of the First Peoples or of newcomers to Canada. We will never be able to please everyone.

This is why, the first time I spoke on this subject, in connection with Senator Poy's bill, I said that what I would like to see, rather than constant changes to our national anthem, would be a competition leading to a national anthem that reflected the wishes and the mindset of each successive generation.

This would mean changes to the anthem every generation, which is not very practical. I feel that the basic documents ought not to be changed, neither the music nor the poetry. Even if Canada has acquired the rights to the two entities, literature must not be changed. We do not change an author's final output, whether it be words or music. These are works that must be respected.

Some people — Senator Prud'homme in particular — have said: "Come now, Corbin, do you think that could happen?" What will happen is that *O Canada* in English and *O Canada* in French will be abandoned. One day we will end up with a bilingual text, with alternating languages.

That, honourable senators, is not the purpose of this bill. Its purpose is merely to accommodate people on occasions when they want to sing the national anthem in both languages. And why not? As Senator Beaudoin, who supports this bill, has said, it is a clear reflection of our national character, a character that is still in the process of developing.

When I hear Senator Oliver speaking in French as he did today, and knowing that, increasingly, the new generations are able to speak French throughout the country — and English, of course, in Quebec — there is reason to hope that, one day, our voices can all join together to sing in both official languages. Everyone will be able to sing, in both languages, a truly authentic national anthem.

The composer and songwriter were very great Canadians. Mr. Routhier wanted to go into politics; he was appointed to the judiciary. However, he was also, at the time, a well-known writer and poet. Calixa Lavallée was an extraordinary musician. He died at the age of 48 in Boston, but he was highly regarded in the United States, which he had visited numerous times. He was known as a very great musician. We must honour their memories. We must especially respect their work.

In no way does Senator Kinsella's bill, in my opinion, compromise the music or the words to *O Canada*, either in English or French. According to accepted tradition, *O Canada* in French and *O Canada* in English are our national anthems. All we need to do is merge the two for people wishing to sing a bilingual version on certain occasions. This, in no way diminishes the work. We must not make a mountain out of a molehill.

• (1500)

I heard Senator Kroft protest that the some of the language in the French version was not acceptable these days. I think that is going a bit too far.

The French and English texts of the national anthem were proclaimed on July 1, 1980, by the Right Honourable Ed Schryer, Governor General at the time. We need not change the words of our national anthem any more than we would change the words of the Holy Scriptures. The national anthem is tantamount to a sacred text for a country, one that reflects the past, present and future, equally.

We should not annoy everyone, like the fly in LaFontaine's fable, by fussing with superfluous changes to the words. Our national anthem is generally accepted. It was enshrined in Canadian law and also proclaimed officially. We must keep it. We should accommodate those who, when they want to sing the national anthem in both languages, wish to reflect the Canadian spirit and the compromises that we make. That is why I wholeheartedly support Senator Kinsella's initiative.

Hon. Jean Lapointe: I am sure Senator Corbin will agree to answer a question. Is he aware that the new version proposed by Senator Kinsella will not fly in Ontario? It will be an impossible mission.

There is no better word than "cacophony" to describe this absurd situation. With all due respect to Senator Kinsella, I feel that the national anthem, as it is sung today — first in French, then in English — does not bother anyone. I think it will be hard to get Canadians across the country to alternate from one language to the other with each sentence. Has Senator Corbin given this any thought?

Senator Corbin: I would reply to my honourable colleague that I have given this a great deal of thought. I have heard our anthem sung bilingually in almost every province. I have heard it on television, on the radio; it is sung that way all the time. The problem is that there is no official bilingual version.

Children sing a bilingual version of *O Canada!* We simply want to standardize a bilingual version of the lyrics, because there is no issue with the music. People can continue to sing it in French, in English or both, one after the other.

The Hon. the Speaker: Senator Corbin's time has run out. Does he seek leave to continue?

Hon. Senators: Agreed.

Senator Corbin: Honourable senators, we are in Parliament to speak.

Senator Lapointe: I probably did not explain myself very well. I am well aware that the bilingual version is sung. I have attended many hockey and baseball games. On many occasions, I have admired Senator Mahovich at the Montreal Forum. I know that the beginning of the anthem is sung in French and the end in English. No one is offended.

[Senator Corbin]

I asked you about the idea of alternating between French and English from one line to the next. I think this would produce a cacophony and the whole thing would sound like a foreign language. That is the correction I want to make to the image I tried to conjure up. I went about it the wrong way.

Senator Corbin: Does Senator Lapointe know that South Africa's national anthem is sung in four languages? English is the last language and the first three are aboriginal languages. No one sees anything wrong with this because it unites the country.

Senator Lapointe: Does Senator Corbin know there are 70 dialects in Mexico? People still understand one another. Throughout the world, people understand one another whether they speak the same language or not. This is not a striking example.

Senator Corbin: I take it Senator Lapointe is against this proposal?

Senator Lapointe: Yes.

Senator Corbin: That is a shame.

Hon. Marcel Prud'homme: Senator Corbin and I have had numerous discussions on this issue. I will participate as vigorously as possible in the debate at the appropriate time, but from now on I would like us to stop talking about the French version and the English version.

There is no French version. There is a French text that was left as a legacy to the Canadian people and has been around since June 24, 1880 — not July 1. It was in Quebec City, at the request of the Société Saint-Jean-Baptiste, which wanted to celebrate with dignity the first major North American Eucharistic Congress where, for the first time, a representative of the Pope and the Governor General of Canada, a staunch Protestant anglophone, were in attendance.

It was the first time we could see, side by side, a staunch Catholic, representing the Pope, and a staunch Protestant. I wish we would stop referring to a French version, because it is, in fact, a French text.

Pierre Elliott Trudeau, our Prime Minister at the time, was a man of vision when he gave Canada its Charter of Rights and Freedoms. The French text states, and I quote:

Ô Canada, protégé nos foyers et nos droits...

That is a Charter of Rights and Freedoms. One may disagree, but let us stop saying that there is a French and an English version.

Senator Forrestall and myself are relics from the 1967 committee on the national anthem, and we spent many hours considering this issue. Many a night we sang along with a boozy pianist, singing every song in the book, including the national anthem.

That is when Mr. Pearson told me: "Do as you wish. Let English Canadians choose their own version, but the text in French is a Canadian treasure and, as such, is untouchable."

If the anthem is sung that way often enough, do you not fear that it will become the version everyone will sing? Senator Kinsella has put forward a good proposal. I am prepared to use part of my budget to distribute the new version to any school that wants it.

What does Senator Corbin think of that?

• (1510)

Senator Corbin: Honourable senators, if I talked about versions, it is in a specific context. I was referring to the French version in opposition to the English text. I know that it is not a translation, it is a new creation. It is a problem for a country that claims to be united to have, not two versions, but two texts that do not say the same thing.

Senator Prud'homme: You are right.

Senator Corbin: I find this really disturbing. It is not that I cannot learn the English version or memorize the French text. You are being alarmist without reason. We are both 69. We will retire at the same time if we make it to 75.

Senator Prud'homme: You are older than me.

Senator Corbin: Mentalities are changing in Canada. Make no mistake: even if we try to hang on to the past, I, as a French Canadian from New Brunswick, have never posed as an Acadian. I am a French Canadian from New Brunswick, and I have always sung the national anthem with great pride. When the opportunity arises, I can also sing it in English. I do not feel constricted in that respect.

I also know that Canada is changing. Mentalities are changing. Look at the pages: they are all bilingual. I would not say that they are all perfectly bilingual. There are two other generations following them. What kind of national anthem will they want to sing? I think things will change. This should not scandalize us. It is a normal process in the life of a nation.

Future generations will build the country they want. I strive to make our country a good country. Future generations might not necessarily agree with what we are doing today, no more than I agree with some decisions made 50 years ago. But I accept this, because Canada is a country of compromise.

On motion of Senator Cools, debate adjourned.

[English]

MARRIAGE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Anne C. Cools moved the second reading of Bill S-15, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator Cools*).

She said: I would like to move the adjournment, seconded by Senator Wiebe.

On motion of Senator Cools, debate adjourned.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, today I would like to say a few words on Bill S-3, which proposes changing the English language version of the national anthem. Although this is the second time this bill has been introduced, this is the first time I have had the opportunity to speak to the issue.

I do not question whether it is possible to amend the National Anthem Act. In the last session of Parliament, Senator Beaudoin presented his constitutional analysis of the bill that showed it to be in keeping with the Charter of Rights and Freedoms. The honourable senator believes that Parliament has the power to change the words to *O Canada*. My concern, however, is whether or not it should.

The title of this bill is "An Act to amend the National Anthem Act to include all Canadians." If this bill truly does what the title claims, would we not also see changes in the anthem's lyrics to include Canada's original inhabitants, our First Nations people?

Would immigrant groups want a particular mention to reflect their long-standing and ongoing importance to this country? After all, the words "our home and native land" might be seen as excluding those who were not born here.

Would we see the removal of the line, "God keep our land glorious and free"? Many Canadians today do not believe in God. If they do, they believe in a higher power. It may not be the Christian one that our anthem references.

Also, might the words "we stand on guard for thee" be challenged some day by those who think they are too militaristic for a country particularly with a reputation such as Canada has today?

These possibilities may seem trivial to us now, but all honourable senators must seriously consider that they may very well arise in the future. Changing the words "in all thy sons command" to "in all of us command," as this bill proposes, will still not include all Canadians. The anthem will still contain language that might be considered by other groups as insensitive or even offensive. The anthem will still not make specific references to other groups who may feel they have the singular right to be named in the lyrics.

We are left then with the question: Do we completely change the anthem to accommodate the different groups who make claims against it, or do we accept it without alteration despite its perceived imperfections?

Our government tried, when we drafted the ill-fated Charlottetown Accord, to draft an all-inclusive Canada Clause. No matter how we did it we offended someone. Either they were omitted or the reference to their group was not as inclusive as they would have liked. Once you embark on a journey of change or even political correctness or inclusiveness, it is difficult to know where to stop.

Bill S-3 does not address the inclusiveness of the French version of *O Canada*. Allowing the English rendition to be changed may allow the French version to be challenged and revised as well — something that has not happened since it was written in 1880. The French language version of the anthem begins with the words:

O Canada!
Terre de nos aïeux.

The English translation of those words is “land of our ancestors” or “land of our forefathers.” “Forefathers” is a word that is gender-specific. Would we therefore have to change the French language version of the anthem to find a word that does not translate into “our forefathers,” as “nos aïeux” does now?

Once we open the anthem up to a lyrical change, we invite any number of subsequent changes to take place, perhaps even to the music. In constantly writing and rewriting the words, the anthem would lose its power and meaning. There are Canadians who have the impression that Parliament has already meddled with the anthem too much. We will eventually lose the traditions that are such an important part of patriotism.

Although I appreciate that Senator Poy's bill stems from her genuine commitment to the advancement of Canadian women, I cannot support it. I know my daughter and my daughters-in-law will never forgive me.

I believe that the risk we take is too great when we allow the anthem to be amended. This bill, by its very existence, raises more questions than we are prepared to answer.

• (1520)

A lyric is a work of art and art comes complete with the style of the time in which it was produced. For example, the word “thy” is not used commonly any more but is found in the anthem. We should not compromise art from the past by revising it to fit our current situation. In doing so in this particular case, we would ensure that there is never a final lasting version of the anthem.

When lyrics are used to represent a country, not just to outsiders but to its own people, I believe they carry even more weight than other songs or other pieces of art. Instead of seeking a change to our anthem, let us focus on the poetry of the words as they currently exist, and perhaps, more importantly, the pride in those words that they are designed to elicit.

As Senator Corbin has said, a literary text such as this is a work of art. Few of us, if any, want to change the shades of colour on a Rembrandt or a Tom Thomson painting, or change the words in poems written by our great Canadian poets. Even Senator LaPierre does not agree with the proposal. As he said, and I paraphrase, if we make these changes, everything will be on the table. Everything will have to change because the principle of change will be the defining standard.

In terms of equality between the two sexes, Canada is one of the most advanced countries on the planet. However, we are not perfect, and in certain areas there is definitely room for improvement. I would suggest that Canadian women are concerned with much more pressing issues than the current wording of the national anthem. Countless women in the country and several in this chamber would no doubt agree with me on this point.

When Senator Carney spoke on this bill, she gave us a long list of Canadian women who are currently making a name for themselves internationally. She mentioned two Manitobans in particular, Cindy Klassen and Clara Hughes, who won gold medals at the World Speed Skating Championships in early February. I would never presume to speak for them, but I think it is safe to say that during the medal ceremony, they felt enormous pride at seeing their flag raised and hearing our national anthem played in honour of their achievements. I seriously doubt that athletes feel excluded by the hymn's lyrics when *O Canada* is played at world championships or at Olympic games. Their gender does not matter; only their nationality does. In rewriting the national anthem, we would, in a sense, rewrite the past. As Senator Fraser has said, and I quote:

A national anthem is not a restaurant menu to be changed when we see fit.

O Canada is part of our collective history regardless of gender, race, language or culture. We should embrace it as it is.

Some Hon. Senators: Hear, hear.

On motion of Senator Cools, debate adjourned.

VIMY RIDGE DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.—(Honourable Senator Atkins).

Hon. Lorna Milne: Honourable senators, I am pleased and honoured to stand today to speak in favour of Bill C-227 that will designate April 9 as a day of remembrance of the Battle of Vimy Ridge.

Senators Poulin and Meighen have given us an excellent view of the First World War and the effects of the battle of Vimy Ridge on Canada. I should like to add a few words.

When this "war to end all wars," as it was called, began in 1914, the conventional view of battle had not changed since the early 1800s. It consisted of throwing wave after wave of soldiers against enemy positions until the positions were overrun. In World War I, the enemy was protected by deeply entrenched German guns on hilltop vantage points encircled by barbed wire. The Allied leadership continued to throw wave after wave of young men up those hills — literally cannon fodder — and without even the elementary precaution of providing them wire cutters.

By 1916, the Allied leadership had successfully wiped out almost an entire generation of young British men. The British leadership turned in desperation to the colonies for more cannon fodder, for that was how they regarded the young recruits. Fortunately, the Canadians had leaders who thought differently about our boys.

We must remember that in 1914, Canada was primarily an agrarian society. Over 90 per cent of our population was rural. Senator Poulin has spoken of teachers, lumberjacks, businessmen and fishermen, but she did not mention the young men from the fertile fields and farms of Canada — most of the recruits.

I want to speak of the Battle of Vimy Ridge from the viewpoint of the family of one such young Canadian farmer. My husband's uncle, William Milne, was a farm boy from Grey County, Ontario, Dromore, to be exact. He grew up on the farm, and the most urban lifestyle he ever lived was a short time as a grocer working in a grocery store in Winnipeg.

In the spring of 1916, the British army was running out of young men and desperate to find as much cannon fodder as they could, so they turned to the colonies. Any willing farm boy from those colonies would do. Even those with disabilities were accepted.

On March 21, 1916, William Milne was admitted into the Canadian army, despite the fact that he had always had a weak chest and significant breathing problems. "He had a hollow in his chest you could put your fist in," his family often said.

William Milne arrived in Europe on November 11, 1916, and made it to Vimy Ridge on November 29, 1916, where he and thousands of other young willing Canadian farm boys helped to dig in and prepare for the deadly assault on the ridge.

As I said, throughout the beginning years of the First World War, waves of Allied troops were sent into battle by their British masters and were met by German machine gun fire. Tens of thousands lost their lives. At the time, it was conventional thought that sheer numbers could overwhelm the Germans, and Canadian farm boys were willing to pay that price. That was not the case.

As the four Canadian divisions grouped together in late 1916, before Vimy, a plan was devised by Canadian generals to attack the German front. Months of preparation were needed at the lines. The Canadians dug a replica of the German trenches behind the Allied lines and spent weeks training for their upcoming mission, while holding on to those lines in France.

Those weeks and months were not kind to the soldiers in the trenches. Canada suffered 9,953 casualties as our young men prepared for their assault on Vimy Ridge before the battle. One of those was William Milne. On December 19, 1916, a mere 20 days after arriving below Vimy Ridge, William Milne was treated by the Number 6 Canadian Field Ambulance for "pyrexia of unknown origin." We now know that he and thousands of other young Canadians were gassed by the German forces. By January 28, 1917, he was in hospital, we believe in Cannes, recovering from what appears to have been a second gassing. William Milne never fully recovered. He spent the next two years in and out of hospital in England and died of acute pneumonia on January 2, 1919. The weak lungs and collapsed chest that did not concern doctors when he enlisted were unable to fight all the repeated gasings from the Germans.

• (1530)

Private William Milne, regimental number 875015, 27th Battalion, Canadian Infantry, is buried in Buxton, England, where he died, in a row of well-maintained Canadian military graves, with the Maple Leaf carved into his headstone along with the words that his wife requested: "Greater love hath no man than he lay down his life for his friends." Thousands of other young Canadians lie in unmarked graves at Vimy Ridge.

Honourable senators, these are not stories; this is real life. These were real people. They were hunters and fishers and farm boys, and they paid for our freedom with their lives. On Monday, April 9, 1917, 3,598 Canadians died and thousands more were injured. Each has an individual story just like William Milne. Each person's sacrifice should be remembered.

Honourable senators, I support Bill C-227 because of the sacrifices of William Milne and thousands of other young Canadian farm boys just like him. They were regarded as cannon fodder up until the battle of Vimy Ridge. They were sent to the battlefield because the British believed that sheer numbers could carry the field and that thousands had to die before the allies could break through the German lines. The Canadians at Vimy Ridge revised that plan, and they worked to end the suffering and to complete the job. It was extremely costly. Freedom, I think, always is. On April 9 of each year, we should take a moment to remember just that.

The good thing about modern warfare — if one can ever say that anything about warfare is good — is that fewer soldiers die. The bad thing is that an enormously larger proportion of innocent civilians die in modern warfare. On this particular day, after a new war has begun, I join with Senators Poulin and Meighen in urging that this bill be sent to committee forthwith so that April 9, 2003, can be designated as the first Vimy Ridge day.

Hon. Senators: Hear, hear!

On motion of Senator Kinsella, for Senator Atkins, debate adjourned.

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Milne, for the second reading of Bill C-300, to change the names of certain electoral districts.—(*Honourable Senator Stratton*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, like my colleague Senator Rompkey, I have some difficulties with the bill, but we must often deal with bills that present difficulties when they arrive here.

The bill first came before us in the last session, and it was then numbered Bill C-441. At that time, I expressed reservations about the propriety of dealing with changing the names of electoral districts at a time when boundaries commissions across the country were in the process of redistribution. At the termination of the First Session of the Thirty-seventh Parliament, the bill was in the process of being studied by our Standing Senate Committee on Legal and Constitutional Affairs. Thus, it died on the Order Paper.

It should be noted that Bill C-441 had been rushed through the other place, having been deemed read a second time and referred to Committee of the Whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read a third time and passed. In its reincarnation as the current Bill C-300, it received a similar expedited treatment on November 8, 2002, and came to this chamber with what I will describe charitably as the minimum possible review and consideration.

Unfortunately, it would appear that the old adage "haste makes waste" is one that applies to this particular bill. As I observed earlier, and as Senator Rompkey alluded to yesterday, the bill even contains an error in that the name change for one of the electoral districts is incorrectly stated. Rather than going from "Kelowna" to "Kelowna Lake Country," as had been intended, the change given is from "Kelowna" to "Kelowna—Country." This is a matter that Senator Rompkey said we can expect might be corrected by amendment in committee.

Bill C-300 is corrective in nature. It arises because elected parliamentarians or their constituents will have noticed changes over time in the population distribution within their electoral districts, or changes in the relative importance of certain areas, or simply a popular demand such as they believe that the formal name of the electoral district ought to reflect those changes or the will of the people.

However, I would remind honourable senators that there is a regular review triggered by the census, which results in the striking of electoral boundary commissions in each province. This is a process that often makes significant changes to the boundaries

of electoral districts. Part of this process involves choosing names for new electoral districts and renaming those districts whose composition of communities have changed significantly. Even where boundaries are similar or remain the same, it is possible to ask the boundaries commission to make the appropriate name change.

Of the 14 name changes proposed in this bill, five are from Quebec, where I would note that the Federal Electoral Boundaries Commission laid out the criteria for the naming of electoral districts as follows:

The changes in boundaries also brought about the following changes in the names of electoral districts. To do so, we have again taken into account the new reality and the historical pattern.

Among other things, the Commission drew on the recommendations made by the various commissions on toponymy. The guidelines for selecting the names of federal electoral districts published by the Secretariat of the Geographical Names Board of Canada in December 2001 were given uppermost consideration:

- Each federal electoral boundaries commission should verify the appropriateness of all the names of the electoral districts that fall within their jurisdiction. The names chosen must have a Canadian flavour and be clear and free of ambiguity.
- The name of a federal electoral district should only be kept from one readjustment to another if it is suitable and if the new district falls essentially within the boundaries of the former electoral district. When the boundaries of an electoral district are changed considerably, one must, without question, consider assigning it another name.
- The names best suited to designate federal electoral districts are those that immediately lead one to recall the province in which the district is situated, or that refer to a region or to a part of its region.
- Ideally, a federal electoral district should be designated by a single geographical name that is not repeated elsewhere; this is the easiest form of designation, even when some parts of the electoral district fall beyond the municipality, the physical entity or any other obvious characteristic that inspired the chosen name.

The Commission proceeded to use single-word names that were, hopefully, both the most representative of the electoral district and that seemed to be able to rally the greatest number of citizens in the community.

Honourable senators, the electoral boundaries commissions do not work in the dark. They set out guidelines and take a wide range of factors into consideration when it comes to choosing the name for each district. I do not know if the members of the other place representing the electoral districts in this bill made suggestions to their respective boundaries commissions. I expect

they did. However, they may have another opportunity to express their views when the report of their respective boundary commissions come before the House of Commons.

Turning again to Bill C-300, the situation has changed significantly since our last consideration of this matter. Many of the boundaries commissions have now provided their initial proposals, proposals whose impact range from negligible to overwhelming on the electoral districts named in Bill C-330.

At the one extreme, we have the proposal of the Federal Electoral Boundaries Commission for Ontario that the name of "Windsor—St. Clair" be changed to "Windsor—Tecumseh," exactly matching one of the changes in this bill.

• (1540)

In the middle range is the Ontario township of Brock, currently scheduled by the boundaries commission to move to join Durham, which would entail renaming the present electoral district of "Haliburton—Victoria—Brock" to "Kawartha Lakes—Haliburton," rather than "Haliburton—Kawartha Lakes—Brock" as proposed by the bill before us today.

At the other extreme, on what one might call the disaster list from the perspective of both the current member of Parliament and the renaming process, is the electoral district of "St. Albert" in Alberta, which this bill proposes to rename "St. Albert—Parkland—Sturgeon," and which is being torn asunder with the pieces being divided among "Edmonton—St. Albert," "Yellowhead" and "Westlock—St. Paul."

Honourable senators, changing the name of an electoral district does cost some money. The Chief Electoral Officer is obliged to provide information and electoral maps which reflect the current state of legislation and will, as a consequence of the passage of this bill, find it necessary to make immediate modifications to those materials in order to be fully prepared in the event of an early election call.

Given the size of the majority in the other place, an early election call would normally be considered highly unlikely. Given the recent statements attributed to the Prime Minister, I would not wish to rule out the possibility altogether. Our leader, Mr. Clark, is of the same view. However, it would seem likely that the new representation orders would overtake the name changes proposed before the next election.

It should be noted that it is even possible for the new representation orders to return the names of electoral districts to the status quo ante. With proposed modifications to the representation orders at a fairly advanced stage, and with it still being open for members to seek to have an appropriate name change made directly by the Federal Electoral Boundary Commission in many cases, it seems to me that this bill is one with which it is very difficult to see the logic and the practicality of the Senate proceeding.

I have two thoughts in mind: One thought would be to move a motion to have the bill not read the second time now but to have it read the second time in six months' time, or, having made that point and placed it on the record, allowing the committee to which the bill would be referred to consider the advisability and

the waste that could be incurred, and to look at how far the electoral boundaries commissions have proceeded in order to see whether, indeed, it is practicable that this bill ought to proceed. I am inclined to lean more to the second course of action. Therefore, I will not oppose this bill in principle at second reading, but I shall not support it enthusiastically, either.

[Translation]

Hon. Marcel Prud'homme: I attended all the meetings of the committee that considered the bill, which has now been reintroduced with amendments. I remember the forceful arguments made by Senator Joyal and his historical overview of the question, leading up to why the bill ought not to be proceeded with. I must say that his arguments were most convincing. I wish to adjourn the debate in my name.

On motion by Senator Prud'homme, debate adjourned.

LEGACY OF WASTE DURING CHÉRIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on inquiry of Honourable Marjory LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chérien years.—(*Honourable Senator Bryden*).

Hon. Pierre Claude Nolin: Honourable senators, before I start reading my text, I would like to tell my colleagues a little story, a true story, although some will claim it is merely a legend. So that you will be able to evaluate the importance of this little true story, I will begin by quoting section 121(1) of the Criminal Code.

To assist the interpreters, I have provided them with the English version of this text so that you will hear the official English wording of this section of the Criminal Code. It reads as follows:

121. (1) Every one commits an offence who

(a) directly or indirectly

- (i) gives, offers or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or
- (ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person, a loan, reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with
- (iii) the transaction of business with or any matter of business relating to the government, or
- (iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

In order to help you understand fully, the term official does not refer solely to employees of the public service. The Criminal Code tells us that it means a person who holds an office, or is appointed to discharge a public duty.

The courts have helped us interpret and understand the scope of this definition and have, on occasion, included Members of Parliament in it.

Honourable senators, during the 1993 election campaign, the Liberal Party published its famous Red Book.

Among other things, this infamous publication showcased numerous promises for change and reform, promises that would be kept within two years, if Jean Chrétien were elected Prime Minister of Canada.

• (1550)

In an August 1993 interview with *The Globe and Mail*, the leader of the Liberal Party of Canada stated the following, in reference to the Red Book:

There is not one promise which you will be able to reproach me for not keeping. Only an act of God will keep me from keeping them.

Yet, some ten years later, it would appear as though God had intervened on several occasions in the management of the Liberal government because several pages of Red Book promises have been tossed into the recycling bin. The Liberals gave up on some of them, like abolishing the GST, even though they opposed measures announced by other parties, which were previously part of their election platform.

For example, in February 2001, the opposition moved a motion in the other place asking that an independent ethics counsellor reporting directly to Parliament be appointed. The wording of this motion was right out of the Red Book, word for word. While all of the opposition parties voted in favour of the motion, the government members, curiously, voted against it. And so it was that the Liberal government broke a promise lifted word for word from the 1993 Red Book.

Honourable senators, by this unfortunate act, the Liberal government confirmed to Canadians that establishing a government that respects rules of ethics and transparency was not a priority. And this vote even came up after the now infamous and complex scandal that was dubbed "Shawinigate."

Honourable senators, Shawinigate showed Canadians, who were stupefied by the scope of this affair, the problems that could arise when the ethics counsellor is appointed by the Prime Minister without Parliament having any power of oversight. Some of you might say that Mr. Wilson—despite the numerous

contradictions that have tainted his objectivity and the quality of his decisions—decided that the Prime Minister had done nothing wrong because there were no rules, and there are still none, that prevent a Prime Minister from communicating with a Crown corporation.

To that, I would respond that the facts show without a doubt that Shawinigate crossed the line. Why was this line crossed? First, because the Prime Minister had a personal interest in the situation and was not only working in the interests of his constituents, and second, because there is a difference between communicating with someone, and having the power to influence that person.

Allow me to explain. In 1988, the Prime Minister joined other business associates and created a company identified as 161341 Canada Inc. Through this company, the associates acquired the Grand-Mère golf course and Auberge Grand-Mère; both unprofitable. A few years later, in April 1993, the associates decided to sell Auberge Grand-Mère to a company called Entreprises Yvon Duhaime. They kept the golf course.

In 1993, when Jean Chrétien was elected Prime Minister, he claimed to have disposed of his shares in the company and to have sold them to an obscure company called Akimbo Développement Corporation. Under the agreement there would be four payments over four years, with interest.

However, in January 1996, the Prime Minister learned that the agreement with the company had fallen through before a single payment had been made. Jonas Prince, President of Akimbo, claimed that the initial agreement was simply an option to purchase, which he chose not to do.

Following discussions with the ethics counsellor, the Prime Minister learned that he could either include his shares in his blind trust and disclose them publicly, or sell them without public disclosure. The Prime Minister decided to sell his shares.

Honourable senators, this is where things get complicated. The Prime Minister called François Beaudoin, the former President of the Federal Business Development Bank — today referred to as the Business Development Bank of Canada — twice in April 1996. In addition, the two men met at the Prime Minister's official residence here in Ottawa on May 29, 1996. Over the course of their conversations, they discussed the issue of the Federal Business Development Bank approving a \$2 million loan for Mr. Duhaime to finance an expansion project at Auberge Grand-Mère.

In September 1996, the Federal Business Development Bank denied the loan after reviewing the inn's financial statements. Moreover, during the fall and winter of 1996-97, Mr. Duhaime applied for a new loan for a total of \$1.5 million. In February 1997, the Prime Minister called Mr. Beaudoin a third time to ask when the loan application for the expansion project would be approved.

Several months later, on June 15, 1997, France Bergeron, regional director of the Business Development Bank of Canada, wrote in an inter-office memorandum:

The recommended financing structure does not comply with the bank's usual policies and criteria.

Despite these warnings, several months later, a BDBC loan for \$615,000 was approved! The generosity of the federal government or its Crown corporations is not limited to this one loan. During that same period, Mr. Duhaime — who had a criminal record and had already had problems with Revenue Quebec — also received a loan in the amount of \$50,000 under a federal fund for regional development. In 1997-98, he also received \$189,000 from five subsidy programs; the lion's share — \$164,000 — was given under Human Resources Development Canada's Job Creation Fund.

Following the expansion at the Auberge, the Prime Minister was invited, as the member for Saint-Maurice, to cut the ribbon to inaugurate the new part of the Auberge.

Curiously, in April 1998, Jean Carle, then Chief of Operations for the Prime Minister's Office, was appointed Senior Vice-president of the BDC, despite a noteworthy lack of experience in this very important federal agency's area of expertise. In January 1999, Debbie Weinstein, manager of the Prime Minister's blind trust, circulated buyout proposals for the shares in the golf club that I mentioned earlier. That same month, in answer to questions by the media about Mr. Duhaime and the Auberge Grand-Mère, Peter Donolo, another important figure, when the Prime Minister's spokesman, denied all allegations about the Prime Minister and the government interfering in the BDC's decisions.

Several months later, in May 1999, Mr. Beaudoin recommended that the BDC seize the Auberge Grand-Mère because the mortgage had been defaulted on. The response to this recommendation was not long in coming. In June 1999, one month later, the bank's board of directors met and decided to relieve Mr. Beaudoin of his duties as President of the bank.

Following his dismissal, Mr. Beaudoin filed suit before the Superior Court of Quebec, and alleged that the BDC had not respected the terms of the agreement. He alleged furthermore that the bank relieved him of his duties because he had recommended that the Auberge Grand-Mère be seized.

In November 2000, the *National Post* obtained copies of the documents filed in court by Mr. Beaudoin, confirming that the Prime Minister intervened with the former president of the bank concerning Mr. Duhaime's loan applications. Finding himself in an embarrassing position in the midst of an election campaign, the Prime Minister argued that phoning the President of the BDC was nothing unusual, that the bank was a department and that he regularly called federal departments.

(1600)

Despite these admissions by the Prime Minister, the ethics counsellor found that he had not violated any provision of the code of conduct for parliamentarians, given that this code did not apply to communications with Crown corporations. Moreover,

the RCMP did not conduct any official investigation into the Prime Minister's actions, for lack of evidence. Surprisingly, the RCMP never saw fit to interview Mr. Beaudoin before making this decision.

Honourable senators, need I read again section 121(1) of the Criminal Code?

The Hon. the Speaker pro tempore: I regret to inform Senator Nolin that his speaking time has expired. Does he wish to ask for leave to continue?

Senator Nolin: With your permission.

Senator Robichaud: Honourable Senator Nolin is asking for leave to read one last line.

Senator Nolin: I have read it.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

[English]

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

Hon. Laurier L. LaPierre: Honourable senators, I wish to thank Senator Rompkey for allowing me the opportunity to speak today on this matter.

I wish to point out to the Canadian Broadcasting Corporation that it must instruct its colonels, generals and admirals who are advising the corporation on the Iraqi war that this is not our war, that these are not our Canadian soldiers, our tanks or our bombs. It is not our mission to be there. Consequently, I object to the attitude of these experts who continue to say the word "our," in regard to these events as if they were ours.

Having said that, I wish to speak to Senator Roche's resolution of October 2, which I find still pertinent and of immense human value, in spite of the events that have engulfed the world since 8 o'clock central time last night.

In 1095, at the Council of Clermont, in central Europe, Pope Urban II invited the Christians of the world to stand as one and fight the infidels, promising eternal bliss in the heavens of his God. Those who fought in roughly nine official crusades between the 11th and 14th centuries did so because they believed themselves to be the emissaries of the new orders of life because they were rich and prosperous and had immense military might, because they wanted to meet their territorial ambitions and capitalize on the possibilities of new markets and many more reasons, one of which of course was the security of Christian dogma.

Every one of these crusades was imperial in nature; an imperialism that was started then and has continued unimpeded thereafter and engulfed the so-called civilized world.

Major countries, with their origin in the European mentality, under the disguise of the white man's burden, proceeded to condemn to slavery millions of people, to rape human beings of their dignity and virtue, to appropriate their natural resources for the benefits of the imperial elites. Honourable senators need only witness the history of Africa as well the dictatorships of Latin America.

Last Sunday, I was not surprised that three present day powers which were mighty colonial powers with all the evil connotation that is attached to colonialism, met in the colony of another former colonial power to rearrange the world, using the rhetoric of Urban II and of the apologists of imperialism, that it was the white man's burden to repair the ravages of history.

What will be the state of those on both sides of the abyss? I leave that to history and, for some of them, to the will of their electors. Therefore, I will not judge the men and women who decided that war must be since, after all, I am a most moderate man, particularly in my choice of words.

On the other hand, I will acknowledge that in the pursuit of their ambitions, the will of the people of the planet is opposed to their mission, its value and its purpose. I stand with the people of the planet.

Honourable senators, in rising, there is nothing better that I can do in this chamber than to express what I understand and feel, to enter into the record of the Senate the declaration the Prime Minister of Canada made in the Parliament of Canada and in the name of the Canadian people on March 17, 2003.

Right Hon. Jean Chrétien (Prime Minister, Lib.):
Mr. Speaker, I want to set out the position of the Government of Canada. We believe that Iraq must fully abide by the resolution of the United Nations Security Council. We have always made clear that Canada would require the approval of the Security Council if we were to participate in a military campaign.

Over the last few weeks, the Security Council has been unable to agree on a new resolution authorizing military action. Canada worked very hard to find a compromise to

bridge the gap in the Security Council. Unfortunately, we were not successful. If military action proceeds without a new resolution of the Security Council, Canada will not participate.

We have ships in the area as part of our participation in the struggle against terrorism. Our ships will continue to perform their important mission against terrorism.

The statement of our Prime Minister illuminates our national life with its declaration of the consistent value system of Canadians, and it is a statement that will resonate forever through the pages of our history.

Stalin used to ask how many divisions did the Pope have. Honourable senators, Stalin's successors found out the answer to that question. I mention this because there is a Stalinist sentiment that is present in our country as a minority of Canadians here, there and across our country, denigrate and dismiss the statement of our Prime Minister in the name of all Canadians. They argue that the role of Canada is immaterial anyhow and is not worth a bucket of spit, because we are, according to them, militarily weak, inconsequential and also because we do this unimportant business of peacekeeping which real men do not do.

That minority forgets that the country's contribution to the betterment of humankind and to the maintenance of peace and security does not lie in how many helicopters, airplanes, forklifts and tanks that a country has, nor does it lie in moving trucks more quickly across the Ambassador Bridge. Many members of that minority insist that to save our economy we should go and bomb Iraqi women and children.

The contribution of a nation to the people of this planet, and that nation's influence in the world, depends more on the value system that resides at the very core of the identity of that nation. In our name, the Prime Minister of our country proved, on Monday, that our values are not dead, they are not marginal and they are part and parcel of each and every Canadian.

The decisions of Canadians reside in their hearts, in their values and in their determination to create and maintain on the continent of North America a nation that stands on its own two feet and that takes risks in the preservation of its freedom, values and identity.

• (1610)

In conclusion, honourable senators, I would like to wish that the sons and daughters of my American neighbours and the sons and daughters of other countries who are now involved in this war return to their home and to their families very quickly. I hope that the tragedy of the Iraqi people will end without too much, if any, disaster.

Vive le Canada!

On motion of Senator Rompkey, debate adjourned.

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I read with interest the report of the Special Senate Committee on Illegal Drugs chaired by Senator Nolin, which proposes a Canadian public policy on cannabis.

First, I would like to pay tribute to Senator Nolin. This is a comprehensive study on all aspects relating to marijuana, including historical and cultural considerations, which are all too often ignored, as well as the scientific, sociological and legislative aspects.

I will not deal with the legislative aspect, because the committee looked at it and because there are other people who are much better qualified than I am to do so.

I want to discuss the medical aspect of the use of cannabis, which, all too often, tends to be overlooked or downplayed in order to make a specific view more acceptable.

[English]

Before I do so, however, I would like to say that I perceived in the report a certain anti-science bias in many sections. For example, statements such as "Science is a source of approximate knowledge," as well as "Scientific knowledge is far from being perfect. Approximation is not one of its consistent features, on the contrary." For example, another statement was "The difficulties that scientists have in reflecting on their research." On the contrary, epistemology, which is a flourishing discipline at the present time, is a critical analysis of science. Papers are being published regularly. I read *Science* every week and there are regularly one or two papers on the reflections of scientists on their own research and work.

Other statements include "Cell biologists are not familiar with the effects of cloning." On the contrary, cell biologists feed the ethicists with problems, and there is a constant dialogue between

scientists and ethicists on various issues. I think this bias does not contribute to a thoughtful debate on the matter.

I would also not want to pass judgment on the witnesses who have appeared before the committee. However, I note that the leading scientific bodies interested in addiction and the non-medical use of drugs have not been consulted by the committee. In particular, I cite the Institute of Neurosciences, Mental Health and Addiction, which is part of the Canadian Institutes of Health Research and which has the responsibility, as was stated in recent legislation, to deal with matters of addiction. It has an important budget to deal with this and has a large number of scientists and expertise. I asked the director of the institute whether he had been contacted by the committee to appear or have some consultation in an informal way. The institute was not in any way consulted by the committee. As I said, they are, by far, the experts on the subject in this country.

Another statement is that the area of addiction is not covered by research. On the contrary, I just mentioned the Canadian work, and the National Institutes of Health in the United States contributed more than \$800 million U.S. last year for research in the field of addiction and why addiction occurs. There is much basic and clinical work done on this subject.

The report is critical of evidence-based policy-making. On what basis should policy be made? Should it be on anecdotes or prejudice? Even values are evidence-based. For example, one of the important parts of policy-making is based on the social balance of values, particularly based in social research. Thus, science is an important part of policy, especially dealing with matters of addiction and the non-medical use of drugs.

[Translation]

I want to deal more specifically with the impact of the use of marijuana on health. Dr. Bill Campbell, who is one of the experts consulted by the committee and who is the President of the Centre for Addiction and Medical Health, issued a serious warning about the dangers of cannabis, particularly for young people.

He explained — and this is fully recognized — that cannabis has a high addictive potential. This addiction, this need for the drug turns those who are affected by it into drug slaves in that they are absolutely incapable of doing without it. This addiction affects about 10 per cent of the drug users. It is caused by a genetic predisposition and it is not possible to know which young persons using the drug will become addicted to it.

A very important report published in June 2003 in the *Journal of the American Medical Association* showed, beyond any doubt, that the use of cannabis leads to the use of cocaine and opiates. While this had been questioned in the past, it has now been clearly demonstrated.

[English]

It is the first step down the slippery slope.

[Translation]

I would like to speak about the effects on the respiratory system. We know that the use of cannabis, like the use of other products absorbed by smoke, such as tobacco, leads to chronic bronchitis, and diseases like emphysema and lung cancer.

Although the report of the Special Senate Committee on Illegal Drugs states that the incidence of lung cancer is low — see page 16 — in actual fact the concentration of carcinogens in cannabis smoke is 70 per cent higher than in cigarette smoke. The risk of cancer is markedly higher for cannabis smokers than tobacco smokers, and we are all aware of the public health problems related to tobacco.

• (1620)

Now for academic and social development of adolescents. A Quebec study of adolescent drug use released by the Quebec ministry of health indicated that cannabis is associated with, and likely leads to, high school dropout. A recent study in the *British Medical Journal* has demonstrated an association between cannabis use and decreased concentration, attention span and memory.

One of society's most serious social problems at the present time is the dropout rate of adolescent males. We know that, in Quebec at least, one third of the boys drop out before they finish high school. And we also know that, nowadays, the future of a young person without a high school diploma is far from assured, on the economic, social and mental health levels. There is a link between drug use, marijuana use in particular, and dropping out of high school before graduation, particularly among boys, who are the ones using these drugs.

There are other equally serious, but more insidious effects, particularly on the endocrine system. Marijuana use affects the sexuality of teenage males. It can lead to testicular atrophy. This is a problem that is not without significance and one that ought to make us reflect on the use of this drug.

[English]

I would like now to deal with traffic accidents. It was reported in a recent issue of the *Canadian Medical Association Journal* that it has been shown that 25 per cent of teenagers have driven under the influence of cannabis.

The report from the committee chooses to ignore Dr. Bill Campbell's advice. Dr. Campbell is a Canadian expert, and president of the Canadian Society of Addiction Medicine. Dr. Campbell states, and I quote: "Marijuana contributes to a significant number of traffic deaths."

The committee's report does not recommend that driving under the influence of cannabis should be banned but that further studies should be done. I strongly disagree with this statement. On the contrary, strong deterrent legislation should be enacted to prevent driving under the influence of marijuana, much as there is to driving under the influence of alcohol. This is a serious issue, not only for the teenagers driving the cars but also for those who are passengers or those who are innocent bystanders.

[Senator Morin]

Honourable senators, I would like to deal with the most serious consequence of marijuana smoking — the relation between marijuana and psychosis. There is a relation between cannabis smoking and anxiety and depression in teenage girls. More serious in my mind is the fact — and this was shown in an editorial that appeared in the *British Medical Journal* in November 2002 and repeated in other studies — that marijuana increases the risk of schizophrenia in teenagers by 30 per cent. This is not merely an association. It is not the fact that kids with schizophrenia might smoke marijuana more than normal individuals. Studies were completed with various groups within Swedish society, and with military recruits. It is an excellent paper, including an editorial by the *BMJ*, approving the results of the study.

To me, there are very few diseases that are as serious and pathetic, or have graver consequences than schizophrenia for those young children — adolescents or young adults — who suffer from it, but also for their families. If we could reduce the incidence of schizophrenia by eliminating cannabis, and therefore eliminate thousands of cases of schizophrenia, it would be an extremely important step.

Honourable senators, I would like to shift gears for a minute and talk about the medical use of cannabis: cannabis used as a therapeutic agent prescribed by physicians for various diseases.

The report is unfairly critical of the medical profession when we know that the medical profession is not at the present time prescribing marijuana for various conditions. There are quite a number of reasons for this. The first is that, at present, there are no herbs, leaves or plants that are prescribed in evidence-based therapeutics because there is too much variability. Two centuries ago, we prescribed plants and infusions. However, it has been shown that there is too much variability in plants, in various parts of the plant, and between leaves. Indeed, there is so much variability inherent to the plant that it cannot be used safely and effectively for patients.

Scientific medicine uses the active ingredient that is extracted from plants. There are hundreds of active ingredients that are extracted from plants and used. However, the ingredient as a molecule recognized by chemical analysis is used.

[Translation]

The Hon. the Speaker pro tempore: Honourable senator Morin I regret to inform you that your time is up. Are you asking for leave to continue?

[English]

Hon. Anne C. Cools: Ask for more time.

Senator Morin: I will not ask for more time.

Senator Cools: We want to hear you speak some more. It was very good.

Senator Morin: On principle, I am not asking for more time.

Hon. Senators: Hear, hear!

On motion of Senator Stratton, debate adjourned.

[Translation]

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose pursuant to notice of December 12, 2002:

That he will call the attention of the Senate to the important role of culture in Canada and the image that we project abroad.

He said: Honourables senators, you will recall that I raised this issue last year. This inquiry died on the Order Paper when the Houses were prorogued.

I would like to return to the theme of culture, which I consider to be extremely important for two reasons. First, it has been discussed in Canada's Parliament in recent years, but I am still awaiting the results. Second, the Dion plan, presented on Wednesday, March 12, only devotes one sentence, on page 37, to culture.

• (1630)

I asked myself some questions. What is the definition of culture? I found an interpretation in my speeches: it is the development, through appropriate intellectual exercises, of certain faculties of the mind; it is all acquired knowledge that allows the development of our critical mind, taste and judgement. Culture is also, as you know, a shared responsibility with the provinces. The word "culture" is not currently found in our Constitution. We know that when it is not written in the Constitution, it is a federal responsibility, but the responsibility for this area is shared with the provinces. Culture is what we have when we have forgotten everything.

The federal government, as you know, plays a very active role in culture. Several federal institutions are responsible for promoting Canadian values. The Canada Council for the Arts supports the promotion of the arts and the cultural development of Canadians.

The National Film Board is recognized for its film, video and multimedia productions. It also takes part, through images and sound, in producing original Canadian productions not only here, but also abroad.

Internationally, it is the Department of Foreign Affairs and International Trade that promotes our Canadian security, prosperity and values. The department emphasizes education to promote Canadian culture abroad.

The department supports programs that promote educational institutions that want to attract foreign students who are open to the Canadian way of living and values. DFAIT also supports

Canadian studies programs, promotes cooperation between international institutions of higher learning and promotes international scholarships. We are very active in this area.

The International Council for Canadian Studies (ICCS), a DFAIT partner, is involved in promoting Canadian culture abroad. The ICCS is an umbrella group that brings together 21 Canadian studies associations in Europe, Asian and Latin America.

Academics and researchers who belong to the Council organize conferences around the world and produce an impressive number of studies — monographs and comparative studies — on Canada every year. They focus mainly on the fundamental elements of Canadian culture: our linguistic duality, which is quite unique, aboriginal people and their important contributions, and the literature of English Canada and Quebec. I could also add Franco-Ontarian literature.

On Monday, three young students who took part in a literary essay contest that I started last year across the country were recognized. A young man from the Royal Military College in Kingston came to Ottawa to receive his award from the Prime Minister. A student from La Cité Collégiale in Ottawa placed third, a respectable finish. Dozens of other students took part. The first prize went to a little girl from Cornwall, Ontario: Mélanie Lamarche. She won, and I am very proud of her because her essay was very good. The newspaper *Le Droit* published the three winning essays of this literary award, and I urge you to read them. I encourage you to tell young people about it, because they want to take part. Culture is important to them. There is not much without culture.

There are Canadian embassies in over 180 countries, each with cultural attachés responsible for promoting and selling our Canadian culture to these foreigners.

In 1995, a joint committee was struck and given the mandate to review Canada's foreign policy. I co-chaired this committee with Senator MacEachen. We pushed for a chapter on culture. For the first time in Canadian history, there was a chapter on culture in a review of the country's foreign policy. It made me very proud.

In this report, our recommendations are easily found in Chapter VI. One of these recommendations, which was never implemented as far as I know, was to invite Canadian artists along when ministers travel abroad. This means including artists in ministers' delegations to show people abroad that, in Canada, we have artists the likes of Viola Léger, Jean Lapointe, and Tommy Banks, who are instrumental in projecting an image of what we, in Canada, are and want to be.

Internationally, we rank dead last, I repeat dead last, in cultural promotion. The French, the British, the Japanese and the Germans spend much more than we do *per capita*. In Canada, we spend a mere \$3 per year. The Japanese spend between \$16 and \$18 per year, per capita. The French and the British spend between \$15 and \$16 per capita.

We ought to make an effort to try to convince ourselves that we are talented and that we have something to sell. There is money to be made with cultural products. The Americans master that art. In their case, it is not so much culture as it is entertainment. They sell all sorts of products, because they appeal to the public and people can identify with these products, be it music, drama, movies or videos.

It is important that we promote our Canadian culture: there is such a thing. It may have a regional flavour at times, sometimes more than others. Linguistically, there are two main trends, depending on whether you are French-speaking or English-speaking. I am a French Canadian. I am proud to say so, as Senator Corbin said earlier.

There is quite a significant distinction. I am a francophone, but there are millions of francophones like me. We do not all have the same culture. Nonetheless, during the Semaine de la Francophonie, we should perhaps realize that being francophone does not mean being Canadian. It means you speak French, perhaps, but you could be from a region of the country that is very different from another. Being Acadian is different from being a Franco-Ontarian; being a Quebecker is different from being a Franco-Albertan. There is a common culture and a common language. The language is a tool for communication.

In the report by Mr. Dion called "The Next Act: New Momentum for Canada's Linguistic Duality," the preface of which is signed by the Prime Minister, we see at page 37:

We must not forget the arts and culture, where progress has been made but certain challenges remain.

That is the only mention of culture in the report. Naturally, cultural groups made themselves heard and called me. They asked me to do something, because it is not right to forget culture and not discuss it at greater length.

• (1640)

Language is a tool for communication; that is good, but adds nothing to culture if we do not appreciate what we have and do not know how to sell it. It is important that cultural associations be heard. On Monday, March 24, Mr. Dion will appear before the Senate Standing Committee on Official Languages to present his action plan.

I have an opinion, of course. I have read it and reread the action plan. I have made notes on it twice and now am on my third read. I know that plan. I asked Mr. Dion and his associates why they had left out culture. Why there was not more emphasis on it, despite its importance. The answer I got was that, last year, Heritage Minister Copps got \$500 million for culture. I said I had not seen any of it. I do not know where they got that figure. I do know that I had letters from cultural associations, from the

Fédération culturelle des Canadiens-Français. They suggested changes. They hinted that Mr. Dion's plan was not etched in stone. There is room for change. It can be improved. That is what we are going to do on Monday. We are going to propose that the word "culture" be made an integral part of the action plan. We are going to propose changes.

I would like to read some excerpts from a letter sent to Mr. Dion:

Why should culture play a prominent role in an official languages action plan? A language does not exist in a vacuum. If it is to remain a living entity, it must have a whole cultural foundation, which is what lends it its richness and its purpose...

Otherwise, language is merely a totally disembodied service language that no longer has enough appeal to define the sense of belonging to a community.

I share this view. I think it is essential that changes be made to the action plan, so as to include a cultural component.

Here are some excerpts of what we will propose on Monday, because I want this to be put on the record. The federation will propose:

- (a) That an art and culture component be added to the action plan, similar to the education or the community development components, and that this component include a set of measures that will strengthen the concrete expressions of francophone culture in our communities.
- (b) That the fundamental nature of culture be also reflected in other components of the plan, particularly in the education component, where the notion of learning environment necessarily evokes the cultural dimension, and also in certain sectors relating to the community development component, where language and culture is also a significant factor.
- (c) That the accountability code provided for in the action plan also apply to federal institutions that are involved in arts and culture.

It seems reasonable to me that we should build on these foundations. The Fédération culturelle canadienne-française is proposing three components.

I support these recommendations. I hope that, on Monday, we will have a good dialogue with Mr. Dion. I do not want to be told on Monday that it is in the plan. I want to be told that, yes, the government is open to these ideas.

On motion of Senator Lapointe, debate adjourned.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO STUDY
LAW OF MARRIAGE—DEBATE ADJOURNED

Hon. Anne C. Cools, pursuant to notice of December 3, 2002, moved:

That the Senate Standing Committee on Legal and Constitutional Affairs be authorized to examine and report on the law of marriage in Canada, in particular its historical and constitutional meaning as a voluntary union between a man and a woman, and the history and application of the law of marriage, and the *Constitution Act, 1982 Charter of Rights*, and the current constitutional challenges to the law of marriage in the courts of British Columbia, Ontario, and Quebec, and the Minister of Justice's November 2002 discussion paper on marriage, and the current demands for different forms of marriage, and the public interest in the law of marriage; and

That the Committee submit its report no later than June 30, 2003.

She said: Honourable senators, I move adjournment of the debate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion to adjourn debate?

An Hon. Senator: On division.

Motion agreed to, on division.

[Translation]

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
PERMIT ELECTRONIC COVERAGE WITHDRAWN

On Motion No. 99:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings on Thursday, February 20, 2003, with the least possible disruption of its hearings.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I consulted Senator Hervieux-Payette about this motion and she clearly indicated to me that she has no intention of moving it, for the simple reason that this motion no longer has any reason to be on the Order Paper and could be withdrawn from it.

Motion withdrawn.

[English]

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO HEAR PROFESSOR
NICOLE LAVIOLETTE

Hon. Shirley Maheu, pursuant to notice of March 19, 2003, moved:

That the Standing Senate Committee on Human Rights be authorized to invite Professor Nicole Laviolette, from the University of Ottawa, to present her Report on the *Principal international human rights instruments to which Canada has not yet acceded*.

She said: Honourable senators, I would like to clarify the wording of this motion. I am seeking power and not an order of reference. This report was prepared by the Human Rights Committee in the last session. I am simply asking that the person who prepared the report be allowed to present it to the committee in order that we may present it to the house.

• (1650)

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 25, 2003 at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 25, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, March 20, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | | | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|---|----------|---------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | | | | | | | |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | | | | | | | |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | | | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | divided | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | — | — | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|----------|--|-----------------|----------|-------|
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | — | — | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | | | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | — | — | — | 02/12/11 | 02/12/12 | 27/02 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | | | | | | | |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|--------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
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[illegible]

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(HANSARD)

Tuesday, March 25, 2003

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, March 25, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

WOMEN IN SITUATIONS OF CONFLICT

Hon. Elizabeth Hubley: Honourable senators, the invasion of Iraq is well underway and, once again, women are at risk, both as combatants and as innocent civilians. Indeed, the prelude to war certainly showed us the contrast in circumstances of women at times such as now.

Just last week, at a secret military staging area inside Kuwait, a 60-year-old grandmother prepared to fly her helicopter into combat, while in the Iraqi capital of Baghdad, a pregnant woman rushed to have her unborn baby delivered by Cesarean section before the bombs started to fall. Of course, the bombs did fall and they continue to fall — not harmlessly, as some would like us to believe, but with terrible consequences.

Both of these women, I am sure, hope for a better world. Both of them, almost certainly, would prefer to be safe at home with their families with only peace on the horizon. Unfortunately, this is not the reality that either of these women is facing.

Honourable senators, I should like to join with other members of the Canadian Committee on Women, Peace and Security, a joint initiative of parliamentarians, government officials and others, in asking you to take time this year to consider the plight of women in serious situations of armed conflict.

I would also ask that honourable senators keep in mind that while women are victims of the violence and helpless refugees, they are also peace negotiators, leaders and activists.

United Nations Security Council Resolution 1325 on Women, Peace and Security was passed unanimously in 2000. It reaffirms the important role that women play in the prevention and resolution of conflicts and calls on member states to involve women in all aspects of negotiating and implementing peace agreements. If progress is to be made toward building a more peaceful, cooperative and just society, where human security is valued and is paramount, women need to be involved as equal partners in peacemaking and in peace-building work.

Honourable senators, March 8 was International Women's Day. Women throughout the world desire to be at the peace tables rather than on the battlefields. It is my hope, as I know that it is the hope shared by every person in this chamber, regardless of

gender, that the war in Iraq will be short-lived, with a minimum of casualties on both sides, and that peace, when it comes, will be just and lasting.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. E. Leo Kolber: Honourable senators, I rise to speak to the war in Iraq and to the matter of Canada's decision not to participate and its impact on Canada's relations with the United States.

It is one thing to disagree with the United States, as the government has done in the exercise of our sovereignty, but it is quite another for some members of Parliament, including members of my own caucus, to state their position in a language that would be deemed unparliamentary, either in this place or in the other place.

I also deeply regret the burning of American flags by peace demonstrators and the booing of the American National Anthem at a hockey game in Montreal. We Canadians would be the first to be scandalized by the burning of our flag or by the booing of our anthem in the United States. We should not be surprised, then, if some Americans vote with their wallets by deciding not to visit Canada or buy Canadian products.

Honourable senators, let me be clear. Some of the outbursts of anti-American sentiment that we have been hearing within the very precincts of Parliament are both intemperate and intolerant. Suffice it to say that discrimination comes in many pernicious forms, whether against Jews, cultural communities or Americans. Anti-Americanism is just as detestable and unacceptable as anti-Semitism or anti-Arabic sentiment or the dissemination of hatred against "any identifiable group." That is not just a matter of opinion; it is a matter of legal fact in the Criminal Code. It is also a matter of decency. Good neighbours do not spit across the back fence; they talk across it. Good neighbours also mend fences when need be rather than tearing them down.

We all acknowledge that this is a difficult time. America and Britain made a difficult decision to go to war in Iraq. Canada made an equally difficult decision not to participate because the use of force was not authorized by the Security Council. We can disagree with Americans on this matter, as we have, but there is no need in exercising our sovereignty to be sanctimonious or obnoxious. If the choice is between the U.S. and the Iraqi regime, there is no moral equivalency between the two.

We have been reminded since the beginning of war that, as predicted, Iraqi forces set fire to their oil wells in southern Iraq with no thought to the loss of their own nation's wealth or the potential environmental consequences for the entire Persian Gulf region. As predicted, Iraqi forces are placing human shields between their own positions and advancing coalition forces. As

suspected, terrorist camps have been identified in the north, where a journalist was killed on the weekend by a suicide car bomber. As we know, Saddam Hussein cuts out the tongues of Iraqis who speak against him, leaving them to bleed to death in the street. His torture methods include rape of wives and daughters in front of their families. As we know, he pays blood money to the families of suicide bombers to blow up innocent Israelis.

No, honourable senators, I do not see a problem in choosing between Saddam Hussein and George W. Bush. Choosing war is difficult; choosing sides is not.

In 1939, on the eve of the Second World War —

The Hon. the Speaker: Honourable senators, I regret to inform Senator Kolber that his speaking time has expired.

Hon. Gerry St. Germain: Honourable senators, like many of you, I am disturbed by the situation in Iraq. Many Canadians are saying, "Shame on the Government of Canada for not standing with our allies and friends." For 135 years Canada has made and has had a common cause with the Americans, the Australians and with the British. Now we have abandoned our allies when they came calling for help.

(1410)

Our Prime Minister seemed to be defending Saddam Hussein's right to power when he said, "It is for the local people to change the government." Saddam's opponents have not been able to nominate anyone else who might hold Iraq together. Anyone seen as a threat to Saddam's control was simply eliminated.

People are in constant fear of being denounced as opponents to the regime. Saddam is responsible for the deaths of hundreds of thousands of his people. He has bulldozed 4,000 villages and used a variety of weapons, including chemical agents, on his own people. Fear is Saddam's chosen method for staying in power.

The UN has issued 18 resolutions condemning Iraq's human rights record and instructing it to stop production of and destroy weapons of mass destruction. Iraq has refused to account for at least 3.9 tons of VX, the deadliest form of nerve gas, and at least 500 tons of chemicals used to make it. Iraq had an advanced biological weapons program that included known production of anthrax, botulism, gas gangrene and Aflatoxin, as well as the possible production of smallpox virus. UN inspectors never learned the full extent of this program.

Iraq has been developing radiological weapons at least since 1987. As Senator Kolber pointed out, Iraq has been funding suicide bombers to attack innocent people in Israel.

Honourable senators, I am questioning the government's decision. Under the regime of Saddam Hussein, Iraq continues to suppress its people, threaten the region and obstruct international effort to provide humanitarian relief.

Why did Canada decide to go to Kosovo, the former Yugoslavia, but not to Iraq? This does not make any sense. The government is governing by conducting polls, and this is the obvious method of choice of Prime Minister Chrétien, the former Minister of Finance, Paul Martin, and the Liberals in general. They are trying to do what is popular instead of showing leadership and doing what is right.

We need to help the Iraqi people in their efforts to bring about a regime that is committed to living in peace with its neighbours and respecting the rights of its citizens.

The issue of war has been debated several times at Westminster with leaders on both sides articulating their views in detail. Why was there no Senate debate? Where is the Senate leadership?

Honourable senators, this attack is not against any particular group of people. It is an attack against Saddam Hussein and we, as a government and as a country, should re-evaluate the position we have taken.

[Translation]

SITUATION IN THE MIDDLE EAST

Hon. Marcel Prud'homme: Honourable senators, I had decided not to speak on any items on the Orders of the Day standing in my name.

[English]

Honourable senators on the other side may laugh as much as they like. However, the situation is too sad for people to even smile at what I have said. I can put names on these fake smiles.

I totally agree with the conduct of the Prime Minister of Canada.

Some Hon. Senators: Hear, hear!

Senator Prud'homme: Perhaps I do not agree for the reasons stated. I shall explain later, in my motion, why I do agree. When I make my speech on the Middle East, "Canadian Policy in the Middle-East," I will call a spade a spade, and go over what I have seen over 40 years of hypocrisy —

[Translation]

The lies I have heard over the years, for instance those about the slush funds, the decisions that were not in the interests of world peace, of the Liberal Party of Canada or of what we all seek: justice for all.

Not only is this war stirring up hatred in the hearts of millions of people, but certain statements are also stirring up hatred in the hearts of tens of millions of young people. We will all have to face the consequences.

I am therefore not ashamed to state that I fully support the attitude of the Prime Minister of Canada in this conflict.

[English]

Be careful of this issue when you see over 200,000 people taking to the streets of Montreal and throughout Quebec and 10,000 people in Toronto. That must be a signal for what may come in the future. Views are so varied.

If you watch only CNN, you will have a certain point of view. I wish that all honourable senators would have their staff inform them of what occurs on TV5 every night in order that they might be better educated.

I wish that the Chairman of the Standing Senate Committee on Foreign Affairs — the committee that should be the most prominent — would do his duty and have briefing sessions for all senators.

I agree with the Honourable Senator St. Germain on one point. We should debate this issue when the mother country of the parliamentary system is debating it every day.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. John Buchanan: Honourable senators, I wish to speak about this matter later, on a resolution, but I wish to say something right now. I hope to be allowed one half hour to two hours.

I totally disagree with what the honourable senator just said. Can you imagine?

Hon. B. Alasdair Graham: A speech is not debatable during Senators' Statements.

Senator Buchanan: I am not debating the honourable senator.

The Hon. the Speaker: Honourable Senator Buchanan, the point made is quite correct. Senators' Statements is for just that. It is not in our rules to debate. If you wish to make a statement, please proceed.

Senator Buchanan: Honourable senators, I was making a statement, and I hope His Honour will not take a minute off my time!

What would have happened if, in Toronto or Montreal, two, three or four planes had flown into the tallest buildings or hit the Centre Block in Ottawa and hundreds, maybe thousands, were killed? Would we be saying, "Let us wait until Saddam Hussein really gets some nuclear weapons. Let us wait until he gets biological weapons. Let us wait until he gets more missiles. Let us wait for authority from the UN to do it all."

No way, that would not happen! However, it happened to our friends.

[Senator Prud'homme]

Who are our friends in this world? Who have been our friends for over the last 100 years? The United States is our best neighbour, our best friend. The United States, Britain, Australia, Denmark and Holland are our friends, and we have turned our backs on them.

Do not forget it. We have turned our backs on them. That is a fact.

Honourable senators, what are we doing? Here in Canada, we are saying, "Oh we want to have this all sanctioned by the Security Council of the United Nations. Never mind the genocide and murder that is taking place in Iraq."

What a double standard, what hypocrisy! When there was genocide and murder in Kosovo and Serbia, we did not need sanctions from the United Nations to move ahead. We did move ahead in those areas. That is the double standard. That is the hypocrisy. We moved ahead there, but we cannot do it here. We will back off, and we will let our friends do everything to protect us.

What would happen, honourable senators, if Canada were attacked? We have brave soldiers, airmen and sailors. I know many of them. However, we do not have the wherewithal to defend ourselves, and we all know that. Who will protect us. Will France, Germany, or Russia, who has provided weapons to Saddam Hussein, or China protect us?

Hon. Laurier L. LaPierre: Screw the Americans!

Senator Buchanan: Do not start that. I will enter a debate with that senator sometime as well.

Honourable senators, in 24 years of elected life, I found out one thing. You go with your friends and you build on your strengths.

Senator LaPierre: You build on the truth!

Senator Buchanan: Honourable senators, why are we not with our friends now? There are many reasons, but we will get into it later.

Some Hon. Senators: Hear! Hear!

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY ON STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM PRESENTED

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, March 25, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 23, 2002, to examine and report upon the present state of the domestic and international financial system, now, respectfully requests approval of funds for 2003-2004.

Pursuant to section 2:07 of the Procedural Guidelines for the Financial Operation of Senate Committees, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chairman

• (1420)

(For text of the appendix to the report, see today's Journals of the Senate, Appendix A, p. 587.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the third report of the Standing Senate Committee on National Finance which deals with the Supplementary Estimates (B), 2002-03, for the fiscal year ending March 31, 2003.

(For text of the report, see today's Journals of the Senate, Appendix B, p. 593.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, with leave of the Senate, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the fourth report of the Standing Senate Committee on National Finance, which deals with the Estimates for the fiscal year ending March 31, 2003.

(For text of the report, see today's Journals of the Senate, Appendix C, p. 598.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

THE ESTIMATES, 2003-04

FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the fifth report of the Standing Senate Committee on National Finance, which deals with the 2003-04 Estimates, first interim report.

(For text of the report, see today's Journals of the Senate, Appendix D, p. 602.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[Translation]

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY ACT

BILL TO AMEND—FIRST READING

Hon. Roch Bolduc presented Bill S-17, respecting the Canadian International Development Agency, to provide, in particular, for its continuation, governance, administration and accountability.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Bolduc, bill placed on the Orders of the Day for second reading two days hence.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to sit while the Senate is sitting tonight, Tuesday, March 25, 2003, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, to follow-up on with Senator Comeau's motion, since some committees have to meet this afternoon at 5 p.m. and it is possible that the Senate will sit later than 7 p.m. this evening, I believe there would be agreement, with leave of the Senate, for these committees to meet this afternoon even if the Senate has not adjourned.

Hon. Marcel Prud'homme: Honourable senators, I have to be consistent. In the past, I said, I had no objection. We all know the respect Senator Comeau has for the *Rules of the Senate* and his desire to work, but how many committees are asking for leave?

It is always the same thing. It is unpleasant when a senator seems to want to say no. I am not saying no, but I would like to know if there are many committees who are asking for leave. We will act accordingly. If there are five committees, the whip will have difficulty maintaining a quorum. It would be good to know in advance which committees intend to meet this afternoon. Clearly, I would accept.

[English]

Hon. Gerry St. Germain: Honourable senators, briefly, Senator Robichaud is excellent, generally, in advising us of what is coming down. If there is something coming down as far as committees or sittings, or what have you, we would appreciate a phone call. If his office is the one doing that, then I would urge that they continue.

[Translation]

Senator Robichaud: I acknowledge what the Honourable Senator St. Germain is saying. It is true that I have a habit of doing this. Honourable senators, three committees are supposed to meet this afternoon at 5 p.m.: the Standing Committee on Foreign Affairs, the Standing Committee on Agriculture and Forestry and the Standing Committee on Energy, the Environment and Natural Resources. This exception would apply to these three committees.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1430)

QUESTION PERIOD

FOREIGN AFFAIRS

WAR WITH IRAQ—POLICY ON RECONSTRUCTION

Hon. A. Raynell Andreychuk: Honourable senators, I had planned to pursue some of the questions that I asked last week. However, in light of the heated debate I perceived regarding Senators' Statements today, I will ask a very different question. I think we will be debating Canada's position with this Iraqi situation for some considerable time. Again, I encourage the government to put forth, in more succinct terms, its reasons for staying out of the allied intervention in Iraq.

We hear, as we did in Kosovo, that we went in for humanitarian reasons. Then we heard from our European colleagues that it was really a question of escalating refugees and it was a security problem for the neighbouring states. We will long debate as to what we are or are not doing in Iraq, but as we speak, we know that there will be an immediate need to help civilians and the reconstruction of Iraq. We also know that Kofi Annan has indicated that the United Nations will be there for the Iraqi people, in providing certain support. We also know that the United States has indicated that it is moving in with reconstruction plans.

Where does Canada stand on reconstruction? Does it have a plan to work with the United Nations? If so, is it a plan to which we can all be privy? Is it a plan that Canada is discussing and negotiating with the United States, or are we simply providing certain financial support in the routine manner we have in the past, when there has been a humanitarian crisis?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. I hope that this will not go on, in terms of a debate, for a considerable length of time. I think, like all Canadians, honourable senators hope that the war will be as short as possible because we want peace to be returned to the nation of Iraq.

In terms of the reconstruction policy, it is the intention of the government to work with the United Nations. As I indicated last week, those plans are already being negotiated with the United Nations. For example, some senators may have heard about a \$5.6-million contribution to the planning phase. The United Nations actually asked for \$126 million from all member states. Canada immediately made a payment of \$5.6 million, which is almost 5 per cent of the requested amount asked from all nations, so that the planning and preparation phase could be ongoing.

We also know that Mr. Kofi Annan will ask for a broader funding for humanitarian aid, which will probably occur tomorrow. I can assure the honourable senator that Canada will be there in response.

Senator Andreychuk: The humanitarian disaster is already upon us. Is there a plan now, or are we simply entering into discussions and negotiations?

Surely, when Canada did not enter into the Iraq invasion with the United States, we knew there would inevitably be a humanitarian crisis, whether the war were to be short or long. Every indication is that the war will be longer than many people had wished.

Canada has played a lead role in humanitarian issues. Are we now playing that role? Is Canada putting forward a plan to bring together the forces that did not work in war, to work in peace? In other words, has Canada put forward a humanitarian plan to which other countries can buy into, or will we wait for Kofi Annan to do so and then see what part we will play?

Senator Carstairs: As I already indicated to the honourable senator, we are already working. The planning is ongoing. We are working with relevant United Nations bodies, such as UNICEF, the World Food Program and the United Nations High Commissioner for Refugees, to provide humanitarian assistance. The planning is also ongoing for reconstruction.

In terms of the policy planning in Canada, the following objectives are part of that plan: to alleviate the suffering of the Iraqi people through humanitarian assistance; to assist Iraq in rebuilding its economic and social base so that it can take advantage of its considerable oil resources to pursue its own development; to assist Iraq in developing effective governance and security structures; to mitigate the regional impact of the conflict; and to demonstrate international commitment to neighbouring Arab countries.

Senator Andreychuk: I thank the leader for her comments about the objectives. Objectives were put forward when we went into Kosovo. One of the dilemmas in Kosovo was that the United Nations agencies were not working together, nor were the countries. Much of the time that was taken up in trying to get the bureaucracy to work together cost lives and needless suffering to many civilians.

This time around, will Canada take a leadership role? Will Canada put forward a plan and be a facilitator to ensure that those countries that did not participate in the war will work equally with those that did? France has indicated that if Britain and the United States are in the war, they will have to pay for the reconstruction. I think this would be an untenable position for Canada or for France to take.

Is Canada exercising its usual role of facilitation, as it has in the past, to attempt to bring some cohesiveness to the relief process and to the future reconstruction of Iraq in light of the looming humanitarian disaster?

Senator Carstairs: To answer for the third time, honourable senators, Canada is very much a part of that ongoing planning. The United Nations has, on this particular occasion, gone out in front of the planning stage. The UN asked for \$126 million to help put the preparations in place. That is why the Government of Canada responded with a contribution of \$5.6 million.

To give the honourable senator some specific examples, the Office for the Coordination of Humanitarian Affairs has already established humanitarian coordination centres in Cyprus and Jordan. The UNHCR is ready to provide assistance to 300,000 people in neighbouring countries. The WFP has pre-positioned enough food in neighbouring countries to feed 2 million people for one month. The planning has begun to be put in place and Canada is very much a part of that planning process.

Senator Andreychuk: Many Canadian humanitarian agencies have worked in Iraq and in neighbouring countries for a number of years. Has Canada put them on the forefront for both financial resources and planning?

Senator Carstairs: We received appeals from the Red Cross and the Red Crescent on March 20. Canada is now deciding how that aid will be given.

POLICY ON WAR WITH IRAQ

Hon. Consiglio Di Nino: Honourable senators, the Liberal government argued only last week that one of its reasons for not joining the coalition of the willing in the war against Iraq is the stated aim of the U.S. to topple the regime of Saddam Hussein. However, yesterday the Foreign Affairs Minister stated, "We as a government are supportive of the United States' desire to get rid of Saddam Hussein."

• (1440)

Honourable senators, you cannot have it both ways. My question for the Leader of the Government in the Senate is, do we support the U.S. war aims or not? If we do, why are we not fighting alongside our allies to oust the heinous and inhumane regime run by a cruel criminal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is clear that the Canadian government has never supported Saddam Hussein and his leadership of that country. However, we maintain our position that it is not the right of any country, including Canada, to choose to change the regime of another. That is up to the people of that country.

Senator Di Nino: Honourable senators, only last week I heard the Foreign Affairs Minister and the Prime Minister say that they do not support a regime change. I believe I asked a question to that effect when the Prime Minister had said that it is up to the people of the country. Now we read a statement from the Minister of Foreign Affairs. Possibly the newspaper article in *The Globe and Mail* is incorrect. It says, and I repeat:

We as a government are supportive of the United States' desire to get rid of Saddam Hussein ...

Which is it, Madam Minister?

Senator Carstairs: Honourable senators, I answered that question, if the honourable senator had been listening. I said it very carefully, and I will say it again. The Government of Canada does not accept that it is the right of any country, including Canada, to change the regime of another. It is up to the people of that country.

Senator Di Nino: Minister, please tell me what the Foreign Minister means when he says, "We support the U.S. in its aims to get rid of Saddam Hussein." Tell me what it means. Perhaps I do not understand the language.

Senator Carstairs: The Honourable Minister of Foreign Affairs indicated that we do not support Saddam Hussein in terms of his treatment of his own people. However, that is quite different from the conclusion that was drawn by certain media organizations that, as a government, we believe we have the right to go into another country and change the regime. We believe that change of regime comes from within, from the people themselves.

Hon. Gerry St. Germain: Honourable senators, on the basis of that response, my question is: If the Leader of the Government in the Senate believes, as the Prime Minister stated as he came out of the cabinet this morning, that the government does not support a change of regime, how then can she possibly stand in this place and repeat it, having been part and parcel of the Kosovo intervention, the former Yugoslavia, and justify her support for the removal of the Molosevic regime? Can she explain that to us?

Senator Carstairs: The Government of Canada made the decision, quite some time ago, that we would support the multilateral process of the United Nations with respect to Iraq. We have continued to support that process, and quite frankly, will continue to support that process in the future.

Senator St. Germain: The honourable senator does not want to answer the question. She is just avoiding the obvious.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. Gerry St. Germain: Honourable senators, my supplementary question is a related one. Ambassador Cellucci said today that Ottawa could do a better job of controlling Liberals like Natural Resources Minister Herb Dhaliwal, who said, last week, that U.S. President Bush lacks statesman-like qualities. Cellucci compared the way the government responded to the letter from Alberta Premier Ralph Klein, who praised Bush, and to the comments by Mr. Dhaliwal. On March 22, 2003, Mr. Klein spoke in favour of the Iraq war. On March 19, 2003, the PMO was silent when a Liberal cabinet minister said that Mr. Bush let down the world. When Mr. Klein issued strong support for the United States, the Canadian government came

down hard on him, Cellucci said. When Mr. Dhaliwal made totally inappropriate remarks about the President of the U.S., they totally ignored it.

Honourable senators, when the minister speaks here, or when Mr. Dhaliwal speaks, do they not speak for the government? As a cabinet minister in the Mulroney government, when I or any cabinet minister spoke, we spoke on behalf of the government. Are your ministers not speaking on behalf of the government? Yes or no, please?

Hon. Sharon Carstairs (Leader of the Government): It is very clear that the individuals who speak on behalf of the government, in this particular case, are the Minister of Foreign Affairs, the Prime Minister, and in this chamber, me. Other ministers, quite frankly, do not speak for the Government of Canada.

Senator St. Germain: Since when? Honourable senators, when has this rule changed? This is like Paul Martin's blind trust with 20/20 vision. When we were ministers in the Mulroney government, we had blind trusts that had no vision. Mr. Martin meets with the Ethics Counsellor and all his partners in his ventures. Are you changing the rules? Have the rules changed? There is something definitely wrong, or there has been a rule change that we are not aware of. When a minister speaks, he speaks for the government, as far as I am concerned.

Senator Carstairs: When the minister speaks with respect to his portfolio, he certainly does.

FOREIGN AFFAIRS

POLICY ON WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, I rise because I am becoming more confused, as I think are honourable senators on both sides, on what is the position of the government.

The minister has said in the past, as has the Prime Minister, that there will be no regime change and that we will not participate. The leader said that they have decided to support the multilateral approach of the United Nations. Senator Di Nino has asked a question about Minister Graham who has said that he supports the United States and changing the regime in Iraq. This is an important issue. All we want is a clear answer as to what is the position of the government. Could the minister please attempt to clarify these two points of view?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have been, I hope, very clear, but let me try it again. The Government of Canada cannot accept that any country, including Canada, has the right to determine the regime of another country. In Kosovo, the people of Yugoslavia rose up en masse and got rid of Mr. Milosovich as their governing authority. It is the people of Iraq, should they use their wisdom, who will determine if, in fact, they are going to get rid of their leader in Iraq. It is not for Canada to make that decision.

Senator Tkachuk: Just so we are clear here, if this is the final version of the government's policy, my assumption, then, is that what Minister Graham said was wrong.

Senator Carstairs: Honourable senators, it is the first, the middle and the end position of the Government of Canada. If media choose to interpret Mr. Graham's words in a way that was never intended, then that is up to them. However, the position of the government is that expressed very clearly by the Prime Minister: We do not accept that we have the ability, as a nation, to create a regime change in any country. If we decided that we could change regimes throughout the world, then I can think of a number of other dictators, and we may decide to change their regimes as well. I do not think we have that right, in this world that we share with many peoples of many colours, backgrounds and religions, to decide for them what we think is in their best interest.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM OF MR. ERNST ZUNDEL— MINISTER'S DISCRETIONARY POWER TO DISMISS CLAIM

Hon. David Tkachuk: Honourable senators, I am switching gears here to follow-up on a question I asked last week about Ernst Zundel. I raised questions dealing with the claim of refugee status in this country by Mr. Ernst Zundel, a well-known Holocaust denier. He is wanted in Germany on charges of inciting hate. In 1996, the Canadian Security Intelligence Service advised this government that it had assessed him as being a security risk to our country due to his ties to racist groups. Last week, in response to my question, the Leader of the Government indicated that certain processes had to be followed to facilitate his exit from this country. Mr. Zundel, no doubt, intends to make these processes as long and as costly as possible.

• (1450)

However, there is a way to remove him from Canada quickly. Under the recent Immigration and Refugee Protection Act, in national security certificate cases, other immigration proceedings are suspended until the Federal Court makes a decision on the certificate. When the Federal Court upholds a security certificate, it automatically becomes a removal order that cannot be repealed. The necessity of holding an admissibility hearing is, therefore, eliminated and the individual can be swiftly removed.

What is the purpose of giving the Minister of Citizenship and Immigration this type of power if he is not going to exercise it in cases of individuals such as Mr. Zundel, who are proven security threats?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I indicated to the honourable senator last week, there are processes to be followed, and those processes are being followed. It is certainly not the wish of the Canadian government that this man remain on Canadian soil any longer than is absolutely necessary. However, we believe in the rule of law.

Senator Tkachuk: Honourable senators, I believe in the rule of law, too, but the minister would not be breaking the law; he would be following and upholding the law.

Mr. Zundel is a security risk. There may be other people who come here who are security risks. In what cases would the minister use this certificate to expel people who pose a security threat from this country?

Senator Carstairs: Honourable senators, the security risk provision is used by the Government of Canada when it detects a security risk, and it will continue to be used under those circumstances.

Senator Tkachuk: Honourable senators, is my assumption correct that the Government of Canada does not believe that Mr. Ernst Zundel is a security risk?

Senator Carstairs: That is not an assumption with which I concur.

JUSTICE

COST OF FIREARMS REGISTRY PROGRAM

Hon. Gerald J. Comeau: Honourable senators, my question for the minister is with regard to gun registration. On March 19, the Minister of Justice circulated a document to dispel what he claims are some myths being spread about the firearms registry. In that paper, he refers to the \$1 billion being spent on gun registration as "myth number two."

Will the Leader of the Government in the Senate admit, in this house, that government officials have, in fact, estimated that the Canadian Firearms Program is expected to cost \$1 billion by 2004-05, and that, in fact, this \$1 billion figure is not a myth?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the myth is that \$1 billion has already been spent. In fact, that is not true. The truth is that, in all likelihood, the cost will reach that by 2004-05.

Senator Comeau: Honourable senators, the minister is therefore playing with people when he says that this is a myth, that we are not spending \$1 billion, when the fact is, as the minister just admitted and as an official testified before the Finance Committee, in excess of \$1 billion will be spent.

The document goes on to say that approximately one third of what has been spent to date has been for registration, with the balance having been spent on other aspects. Can the minister provide us with the details of the cost of each of the elements noted by the minister in his documents; specifically, the cost of registration of firearms, the cost of licensing and screening all firearms owners, the cost of spousal notification procedures, and the cost of border control initiatives? As well, could she provide, if they exist, evaluations of the work performed in each of these areas?

Senator Carstairs: I thank the honourable senator for his question. I repeat that there is a fundamental difference between the amount of money that has been spent and the amount that will be spent by a fiscal year that we have not yet reached.

It is important to clarify this matter for Canadians because many of them believe, despite the facts to the contrary, that \$1 billion has already been spent, which is simply not true.

I will take the honourable senator's specific questions as notice and get those figures for him.

CITIZENSHIP AND IMMIGRATION

COST OF NATIONAL BIOMETRIC IDENTIFICATION CARD

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. Canada's Privacy Commissioner, George Radwanski, told a House of Commons committee last week that a national identification card containing biometric information would carry a staggering price tag. The card, which has been proposed by Citizenship and Immigration Minister Denis Coderre, would include such information as fingerprints, retinal scans and facial recognition. The commissioner said that to issue the card and install the machines necessary to read them would cost \$3 billion to \$5 billion.

All honourable senators are aware of the cost overruns with the gun registry. The Liberal government originally estimated the cost of the gun registry to be \$2 million and it is today projected to be at least \$1 billion. The difference between the gun registry and the identification card system is that we are being given an idea of the true expenses of the proposed card before it is implemented, something that was not provided to Canadians in the case of the gun registry.

Will the Department of Citizenship and Immigration reconsider its support of this type of national identification card in view of the pending costs?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we must carefully choose our words. The national identity card was not proposed by the Honourable Minister of Immigration. He has clearly said that we should discuss whether such a card is a good idea. It is that kind of discussion that is going on, and the costs suggested by the Privacy Commissioner are obviously a significant part of that discussion. Do Canadians want such a card? Do Canadians need such a card? What would be the costs of such a card? All of those questions deserve thorough investigation and deliberation before such a card is proposed.

Senator Oliver: Honourable senators, it is never too soon to worry about the potential costs of a government initiative, as we unfortunately learned in the instance of the gun registry. Even federal departments have backed up the Privacy Commissioner's claims concerning the future costs of a biometric identification card.

Last week, Mr. Radwanski told the House Committee on Citizenship and Immigration that, in 1999, the Human Resources department estimated the price tag for such a card to be \$3.6 billion. That was back in 1999. Does the government accept the cost estimate given by Human Resources Development Canada?

[Senator Carstairs]

Senator Carstairs: Honourable senators, there is no question that it is thought that the implementation of such a proposal would cost \$3.5 billion. That is exactly why discussions are taking place on whether this is a good idea, and that is why it has never been put forward by the Minister of Immigration as a formal proposal.

[Translation]

FINANCE

THE BUDGET—INCREASE IN PENSION BENEFIT— PUBLIC SECURITY GROUPS— EXCLUSION OF CERTAIN OTHER GROUPS

Hon. Pierre Claude Nolin: Honourables senators, each year, some signs hint that winter is nearing its end and giving way to spring.

One of these signs is this group of police officers wandering within these walls in order to pay us a visit. They are members of the Canadian Police Association. My question relates to a subject of concern to the police. I am referring to the pension plan and the federal Budget 2003-04.

Honourables senators, my question, as you have no doubt guessed, is for the Leader of the Government in the Senate.

Currently, paragraph 8503(3)(g) of the Income Tax Regulations sets the total benefit accrual rate at 2 per cent. This provision applies to people in a public security occupation and who are members of a registered pension plan integrated in the Canada Pension Plan or the Quebec Pension Plan. Under paragraph 8500(1) of the same regulations, this provision only applies to police officers, firefighters, corrections officers, air traffic controllers and commercial airline pilots.

• (1500)

However, this is what concerns police officers. The federal budget tabled in February provides for an increase in the benefit accrual rate of 2.33 per cent. This provision, quite surprisingly, applies only to firefighters. Could the Honourable Senator Carstairs tell the members of this House what caused the Minister of Finance to exclude police officers and the other individuals in public security occupations from this budget initiative? In other words, why is the government discriminating against, for example, police officers?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to respond to this subject from a more positive direction than the honourable senator opposite. Firefighters have been able to provide demographic information that would indicate that their life expectancy is considerably reduced, not only because of the stress under which they work and to which other groups work as well, but also because of the exposure to chemicals that has become more and more complex when they fight fires in this country. As a result of clear and documented evidence, firefighters have been given a special allowance under this particular budget. Should other groups be able to present similar demographic and actuarial evidence, then one would presume that similar decisions will be made.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, we have with us a guest page from the House of Commons.

[Translation]

Joëlle Michaud is studying international management at the University of Ottawa. She is from Cornwall, Ontario. The Senate welcomes her.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business, I would like to deal with bills first, Item No. 4, for the second reading of Bill C-3, then Item No. 3, and then follow with Item Nos. 1 and 2.

CANADA PENSION PLAN THE CANADA PENSION PLAN INVESTMENT BOARD ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Corbin, for the second reading of Bill C-3, An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act.

Hon. Roch Bolduc: Honourable senators, I am happy to take part in the debate on Bill C-3 at second reading stage.

However, I have found that the bill, designed to modernize provisions that apply to the Canada Pension Plan, does not do much.

Under this bill, the management of CPP investments will be consolidated under the Canada Pension Plan Investment Board and the plan's account will no longer be required to maintain a three-month operating balance. Other administrative amendments, we have been told, will be made to the act. While review in committee may raise some issues, at first glance, the changes do not appear very controversial to me.

The pension plans in Canada and Quebec represent one of the three pillars of our retirement savings system.

The first pillar, of course, is the universal Old Age Security program and the supplement for low-income people. For some elderly people, this represents almost all of their income.

I would like to remind the government that the Canadian population is aging rapidly and that life expectancy is increasing. That is why the cost of social benefits such as Old Age Security is increasing at an accelerated rate and can reach \$25 billion to \$26 billion.

This government continues to seek new ways to spend money rather than pay down the debt. One fine day, the Minister of Finance will have difficulty finding money to cover the Old Age Security cheques while paying interest to the government's creditors.

The government knows that this situation is on the horizon, but this does not prevent ministers from sitting together at the table in cabinet meetings to discuss ways to spend the budgetary surplus that has come from inflated taxes.

The second pillar of our system comes in the form of individual savings, including RRSPs, pension plans and even property assets.

In the budget, the government increased the RRSP contribution ceiling to \$18,000. I congratulate the government for this. This is very good news.

However, it could have taken this opportunity to abolish the rules that limit foreign content in RRSPs and pension plans to 30 per cent. When you limit the choice of distribution for a pension plan, you also limit the possibilities of accumulating investment revenue. The result is a smaller pension or higher premiums.

The third pillar of our retirement savings system is the Canada Pension Plan and the Quebec Pension Plan, which work in tandem. Quebec chose to administer its own plan and the federal government administers the CPP on behalf of the other provinces and territories.

The Diefenbaker government laid the foundations for the inauguration of the Canada Pension Plan in 1966. For the Conservatives, the plan has always been a fundamental component of the Canadian social security safety net, an obligation the government absolutely must respect.

Close to three million Canadians outside Quebec receive retirement benefits of up to \$9,600 annually, depending on how much they contributed and over how many years. The plan also provides special benefits for disabled persons, widows or widowers, and orphans. Quebec has basically the same rules and similar benefits.

For thirty years, the CPP was operated on a pay-as-you-go basis. It was administered according to the money available, because the contributions amounted to a fund equal to only two years of benefits.

In 1997, there was only \$40 billion in the fund, whereas the cost of future benefits to be paid out was \$600 billion. If nothing were changed, contributions would, by 2030, rise to 14.2 per cent of pensionable earnings.

So, in 1997, Ottawa and the provinces agreed to some major changes to the CPP.

Contributions rose more quickly than originally forecast, and this year will be at 9.9 per cent, half contributed by the employer and half by the employee. This \$11 billion increase in annual receipts from contributions is supposed to prevent the predicted 14.2 per cent rise by 2030. At the same time, the changes brought about in 1997 slightly reduced benefits for new retirees, thus helping reduce the plan's costs.

Finally, also in 1997, the federal government adopted a key component of the Quebec Pension Plan by allowing market investment of the funds. These funds are administered by an independent body called the Canada Pension Plan Investment Board.

Before that decision was made, the policy was for funds not immediately required to pay benefits to be invested in provincial government bonds at the federal government's long-term investment interest rate. This was less than what the provinces paid for their own bonds and was also lower than what could be obtained in the market place with a diversified portfolio. This initiative was not great for the people in these plans.

In short, it was a very good deal for the provinces, but not so great for individuals whose retirement depended on a healthy pension plan.

The CPP actuary is telling us that the plan's long-term viability is assured by current premium rates and that everyone who is entitled will get the benefits they are owed.

Let us hope that he is not mistaken in his calculations. Canadians are entitled to be cynical about the government's forecasts, when ministers of the Crown promise us one year that the firearms registry will cost only \$2 million net, then they revise their figures and tell us five years later that the cost will be \$1 billion.

• (1510)

And they have the right to be cynical about the government's estimates after having seen, year after year, the Ministers of Finance announce a huge surplus right after having forecasted a shortfall. I have been repeating this fact each year in the Senate for at least the past six years.

[Senator Bolduc]

[English]

When the government created the CPP Investment Board in December 1997 through what was then Bill C-2, Progressive Conservative senators were troubled that the new agency set up to manage a multi-billion dollar investment portfolio did not have an appropriate governance structure. Our concerns included the accountability of the board, the board appointment process and barriers to investment returns.

Bill C-2 included premium increases that could not go ahead if the bill did not pass by the end of December 1997, so the government was anxious for the bill to receive Royal Assent. We were not prepared to pass it unless the government addressed our concerns.

The compromise was a special study of the governance provisions of the CPP Investment Board. Following hearings in the winter and spring of 1998, the Senate Banking Committee issued a unanimous report that essentially reflected the concerns of PC senators.

The committee made 20 recommendations, including a call to ensure that board members have relevant skills, greater independence for the board's auditor, more stringent conflict of interest rules for the board, and lifting of the then 20 per cent foreign content limit to 30 per cent. The government did lift the foreign content limit to 30 per cent a few years ago when it did the same for other pension plans and RRSPs.

There are two things missing from this bill that ought to have been included to boost public confidence in the Canada Pension Plan. First, the government ought to name the Auditor General as the auditor of the CPP Investment Board. Canadians trust the Auditor General.

Second, while there has not been a problem to date, there remains the danger that some future Prime Minister, perhaps Ms. Copps or Mr. Manley, will regard this board as just another board. It ought to be the law that a majority of board members have pension plan expertise.

Honourable senators, I would like to draw your attention to a special report on pensions published last year in the February 16, 2002 edition of *The Economist*. It is essential reading for anyone who wants to get a grasp on what is happening to pensions, not just here in North America, but throughout the developed world.

There are several key points that run throughout this article. A critical point argued by *The Economist* is that pension structures are no longer working because they were created in a time when there were fewer old people, who were often poor and ill and who spent only a short time in retirement before passing on. Today, in Western countries, older people are often well-off and in good health, and are spending a good many years in retirement. This, *The Economist* argues, points to a need for reform.

The article points out that throughout the Western world, pay-as-you-go plans are running up against the reality of demographics. They require higher and higher premiums to deliver the same level of benefits, both because there are relatively fewer people at the bottom of the age pyramid than in the past and because those at the top of the pyramid, the pensioners, are living a lot longer. Those in these plans are now receiving benefits far in excess of what they paid for, while younger workers will get less than what they contributed.

The Economist also points out that all pension plans come with a risk. For private pensions and private retirement savings, the risk is, of course, market risk — if your investments do not pan out, you are out of luck.

For state plans such as the CPP or Social Security in the United States or for similar programs in other nations, be it France, Germany, England — any country — there is the political risk that some future government will not provide the benefits promised.

There is also the risk that “Political interference will stop such funds from being invested wisely.” In this regard, I raise a caution flag to those who are starting to argue that the CPP should put its money here or there, or to not put it here or there. CPP’s investments are there for the sole purpose of building the funds needed to deliver pension benefits, not to serve the whims and fancies of the government of the day. If any government wants to achieve a particular economic or social outcome, it should do it through the appropriate programs and laws, not by messing around with pension money.

[Translation]

We remember what happened to some of the investments made by the Caisse de dépôt et placement. I will come back to this later.

[English]

Arguing the need for pension reform that places increased emphasis on private savings and reform of public systems, *The Economist* went on to note:

Much more needs to be done. Politicians tend to act only when pension systems are heading for a crisis. With the crunch still more than a decade away, they will be tempted to procrastinate.

The Economist concluded with the warning:

Politicians want to avoid pension reform because they know it will be deeply unpopular. But if they continue to sit on their hands, they will be guilty of failing to fend off one of the most predictable economic and social crises in history.

I have one final point. It concerns recent losses in the stock markets, as this has had a dramatic effect on many pension plans. I do not want to criticize the fact that, this year, the pension board has lost \$3 billion to \$4 billion.

A few years ago, there was a big argument about who owned the surplus in private plans. Today, the issue is one of solvency. In early January, the Office of the Superintendent of Financial Institutions put 50 pension plans on a watch list in the wake of heavy stock market losses.

In February, we learned that in the first nine months of the 2002-03 fiscal year, the CPP lost \$3 billion in the stock markets, or 16 per cent of its portfolio, which is equivalent to that which was lost by many others. In spite of this, the Minister of Finance tells us that the plan is still on a sound footing. I sincerely hope that when this bill gets to committee, someone from his department will be able to provide numbers to back up that claim.

[Translation]

My last comment, honourable senators, is on reporting. As you know, the Board, under its legislation, must report to the public and the government, on a regular basis, its investment results and its investment policies, submit quarterly financial statements and publish an annual report, which is tabled in Parliament. I am not sure that this is enough.

Take the example of the Caisse de dépôt et placement, which deviated from Quebec’s clear rules. I do not want to talk about the Caisse de dépôt et placement, because we are paid to deal with federal matters. However, I wanted to mention it because we have a comparable system. We must be careful. The Caisse performed terribly in 2002, which highlighted the fact that it had clearly deviated from the simple rules that should be followed by a public organization in order to carry out its fundamental mission. One of the basic points that we have failed to highlight is the full and regular transparency that is required to communicate strategies and results achieved in order to review targets and readjust investments based on ever-changing economic conditions.

Organizations, such as our pension system, should be publicizing their investment strategy and results on a quarterly basis, instead of just tabling one annual report to Parliament. When markets are tight and volatile, as they are now, the public should be kept abreast of investment results and strategies — it is their right, it is their money — so that we do not have to wait for a year or two after the fact to find out about a disaster like what happened at the Caisse de dépôt et placement.

Hon. Pierre Claude Nolin: Honourable senators, I would like to ask Senator Bolduc a question. I am new to all this. Are the investment rules for Canadian shares or investments for a fund such as the one in this bill the same as for the other types of funds?

Senator Bolduc: There are limits in Canada: based on recommendations made by the Senate, these limits were raised from 20 per cent to 30 per cent. Other plans do what they want. There are rules for public pension plans. These rules do not apply to private plans.

Senator Nolin: For a public pension, the limit is 30 per cent?

Senator Bolduc: On foreign investments, yes.

Senator Nolin: Given the amounts involved in this fund, are there enough listed Canadian companies to absorb an investment this huge?

Senator Bolduc: I am glad the senator is asking this, because it is one of the first questions I raised with Paul Martin. I had predicted that the figure would get up to around \$150 billion pretty quickly. I said earlier that, in 1997, the federal plan was worth about \$40 billion and the Quebec one, with a smaller population, was worth about \$100 billion.

• (1520)

That gives you some idea of what the federal investment was, at that time. The funds were redistributed to the provinces at lower interest rates. It was quite simple. The pensioners were getting the short end of the stick and the provinces were saying nothing, because they were getting loans from Ottawa. This was perfect for them.

With the new system, it is obvious that the yield will be better. There will be volatility, as we are seeing today. The day before yesterday, there was a sudden 10 per cent rise. The system will soon be at \$115 billion, or \$120 billion. Ten billion more in one week is a huge amount.

I am familiar with companies like Domtar that had just ordinary performances this year and stocks are still at \$20. Then there are smaller companies that are making a lot of money. I look at the stock exchange index and it is not fluctuating.

That is the risk in Canada. With a fund like this one, with the Ontario Teachers' Pension Fund and with Quebec's fund, we will, just like that, have the equivalent of \$500 billion. You cannot just buy Nortel stocks and take a beating!

That is why I am telling the minister to let people do what they want. If they are wise, they will administer the funds properly. The objective is to have the best rate of return for the pensioners. The only way to do that is to invest internationally. The Canadian economy represents 2.5 per cent of the global economy. We must recognize ourselves for what we are. We may think that we are going to resolve the Iraq-U.S. problem and bring peace! We must not underestimate ourselves, but see ourselves for what we are. We represent 2.5 per cent of the global economy. You cannot invest your money in 2.5 per cent of the world economy that we represent. We must invest our money all over, in Japan and so on.

Senator Nolin: The senator anticipated my most important question. Will this bill allow us to implement a plan whose real, fundamental objective will be to optimize the rate of return of the fund? Will it be limited by the size of the Canadian economy?

Senator Bolduc: Politicians do not move fast, they use crutches. Parliament is walking on snowshoes, so not very fast. Someone eager to get ahead in the business world moves much faster than they do. As the funds increase, we must wake up. Pressure will come from all sides to change the system. We will not have any other choice. I have already told the minister that we do not need one fund but two or three. I have been telling Quebec this for the past 20 years. We do not need one Caisse de dépôt but two or three of them to measure the relative value of each. That is not

what Quebec did. Jacques Parizeau wanted it to be big; he was happy with a big monopoly. He was living completely outside the market. He was not living in North America; he was living back in 1945, in the heyday of Britain's Labour Party. Do you know what happened as a result? They lost a bundle. I did not lose money this way, but the poor lost a lot, I can tell you that.

Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to, and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[English]

SPECIFIC CLAIMS RESOLUTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jack Austin moved the second reading of Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts.

He said: Honourable senators, in opening the debate on second reading of Bill C-6, the proposed specific claims resolution act, I believe I am introducing to this house a key step in the evolution of a process to deal with Canada's obligations to Indian bands due to the Crown's non-fulfillment of its promises under treaties or other agreements. The claims being dealt with under Bill C-6 are designated as "specific claims" because they are in a specifically described category of claims against Canada that generally relate to administration of land and other assets and specific treaty provisions that have not been fulfilled. We are not dealing here with the negotiation of treaties or other agreements.

Historically, we have seen a failure of successive generations of government to uphold some of the promises made. Under treaties and agreements made since the Royal Proclamation of 1763, the Crown undertook to provide sufficient lands for reserves and to manage those lands and other First Nations' assets according to a high standard of conduct, a standard described historically as "on the honour of the Crown." Over the decades, First Nations' complaints about how the Crown was discharging its responsibilities under treaties and agreements multiplied.

In the past, there were few avenues for redress. For example, between 1927 and 1951, the Indian Act hindered First Nations by requiring them to get government permission if they wanted to use their own money to advance their claims. That effectively barred First Nations from making claims against Canada. As a

result, grievances accumulated and the relationship between First Nations and the federal government suffered. In recent times, federal governments have acknowledged that ways of settling these problems had to be found. We recognize that Aboriginal people have legitimate and long-standing grievances that, as a just society, it was our responsibility to address.

In 1973, the Liberal government of the day responded by announcing a specific claims process to resolve these issues out of court. The initial goal was not only to address our legal liability but also, equally important, to begin to deal with the historical sense of injustice, on the part of many First Nations, that was impeding progress in other areas of our relationship. Since then, that policy has been clarified and expanded on two occasions, in 1982 and again in 1991. The purpose then, as now, was to introduce greater fairness and efficiency in the process, and we began to have some success in dealing with these historic grievances.

Honourable senators, for your information, at present, a total of 246 agreements, worth more than \$1.4 billion, have been ratified, adding more than 16,000 square kilometres to reserve land across the country. Quick math will show, if you average it out, that that is about \$5.6 million per claim. However successful our approach has been, over 600 claims have been added to the inventory of unsettled claims since then. In part, the growing number of claims is due to the improved research capacity all across Canada. Formerly little known areas of our national history have now come to light through the efforts of academic historians as well as government and First Nations claims researchers. In part, this growth is also due to court cases that have clarified the scope of the legal doctrines that underpin Canada's relationship with First Nations. Many earlier claims that were rejected on the basis of our understanding of the law at that time are now considered specific claims. Frankly, this growth in unsettled claims is also due to our administrative inability to move them more quickly through the current specific claims process. Delay in settling claims is costly because specific claims are historical in nature. The longer they remain unresolved, the more it costs to settle them, and the longer First Nations have to wait to receive a just settlement.

• (1530)

Honourable senators, despite the improvements brought about in 1991 when the Mulroney government beefed up the human and financial resources committed to claims resolution, the current process, besides taking far too much time, also eats up too many internal government resources. Not surprisingly, First Nations have become frustrated and resentful of the entire claims resolution process. They have come to distrust a system they believe to be unbalanced and unfair.

For a very good reason, First Nations perceive Canada to be in a conflict of interest. The Department of Indian Affairs and Northern Development controls their funding to participate in negotiations. The Department of Indian Affairs and Northern Development decides the claims it is willing to negotiate and sets out the criteria on which it is willing to base compensation. The

lack of a belief in the department's objectivity creates a lack of confidence in the process, which, in turn, makes negotiations difficult and encourages some First Nations to resort to the courts. However, honourable senators, winner-take-all solutions, as we know, are risky for all concerned. We believe that negotiation is preferable to litigation, and First Nations have also expressed that view.

We have set out, in Bill C-6, to create a more independent process for resolving claims, a more neutral system that will level the playing field for negotiation, to resolve claims more efficiently and, more important, honourable senators, a system that will allow First Nations to capitalize on their increasing opportunities for economic development by fostering a climate of trust, cooperation and certainty.

Honourable senators, the new Canadian centre for the independent resolution of First Nations specific claims envisioned under Bill C-6 would operate at arm's length from government. It would consist of both a commission to facilitate negotiations, as well as a tribunal to resolve disputes. The commission and tribunal would be distinct divisions to prevent undue influence and bias. The centre would be overseen by a chief executive officer whose responsibility would be to manage the day-to-day administration of the two divisions.

The commission's principal goal would be to facilitate the resolution of negotiated settlements. It would have the authority to apply a full range of dispute resolution processes, including facilitated negotiations, mediation, non-binding arbitration, and even binding arbitration, with the consent of the parties. All claims, regardless of their size, complexity or value, would have access to the commission and its services, including dispute resolution.

The tribunal's principal goal would be to make binding last resort decisions where all reasonable efforts at dispute resolution are unsuccessful. The tribunal's decisions would be guided by legal principles. It would not apply any rule or doctrine that would have the effect of limiting claims against Canada because of delays or the passage of time. This is of great importance to the First Nations.

The tribunal, when making final decisions on claim validity, can order compensation for claims up to \$7 million in value. I want to emphasize, honourable senators, that it is the federal government's belief that the majority of claims will be under \$7 million where dispute resolution cannot produce a negotiated outcome.

This centre would replace the Indian Claims Commission, which was set up in 1991 as an interim measure while the idea of an independent body was under discussion with First Nations. The Indian Claims Commission, which is limited to providing advice to Canada, and to offering mediation and other alternative dispute resolution services to the parties, has itself called for the creation of an independent body capable of making binding rulings.

Honourable senators, we should not forget that the Indian Claims Commission has enjoyed some measure of success during its tenure, and I am sure its chief commissioner will speak to this in his presentation to the Senate committee. It has demonstrated the value of developing a complete historical record, including oral evidence and history, consulting elders and involving the community in public hearings. Above all, it has shown that alternative dispute resolution processes do work.

Honourable senators, I would expect that the new centre would want to build on the experience and expertise of the Indian Claims Commission in developing its own processes and procedures. I would equally expect that the Indian Claims Commission would play a leading role in designing transition measures from the present process once the centre is up and running.

While many claimants may wish to remain in the current process, others may well wish to transfer their claims immediately to the new centre. If so, it would be imperative that their rights be protected and the progress they have made to date in advancing their claims be safeguarded during the transition to the new centre.

The centre will help Canada and First Nations negotiate in a cooperative rather than a confrontational manner. It will provide modern dispute resolution techniques that will help us reconcile our differences so that we can reach agreement more quickly.

Honourable senators, such constructive new tools would reinforce the purpose of both the federal government and First Nations to negotiate rather than litigate. The centre will also remove a key source of perceived bias by taking over funding for First Nations participation in the process, which is currently managed by the Department of Indian Affairs and Northern Development. With the emphasis on negotiation, the tribunal would be used only as a last resort.

Honourable senators, I want to stress, and I hope this will prove to be the case, that the tribunal would be used only as a last resort. In the event that negotiations do not lead to a resolution of the claim, the tribunal, however, would be able to make binding decisions about the validity and compensation for claims of up to \$7 million.

Some have asked, "What happens to the larger claims?" The government believes these disputes are best addressed in negotiations where the parties can work out solutions assisted by the new commission. This would allow the tribunal to focus on cutting through the impasses and moving the more straightforward claims to resolution.

Honourable senators, in the interests of cost-effectiveness, efficiency and fairness to other claimants, the government does not want the tribunal to get bogged down on one or two extremely large cases and delay access to the tribunal for others. The government believes that would defeat one of the purposes for which the tribunal is being created. Should negotiations on the larger, more complex claims prove unsuccessful, the courts would continue to offer a forum in which the complexities can be carefully examined and where the parties can appeal decisions they feel are incorrect.

[Senator Austin]

With respect to accountability requirements, the chief executive officer of the centre will issue annual reports outlining the activities of both the commission and the tribunal, and describing their past and projected activities with pertinent financial details. As well, quarterly reports would be submitted to the Minister of Indian Affairs and Northern Development regarding the value of all negotiated settlements facilitated by the commission and all compensation awarded by the tribunal.

Bill C-6 commits the minister to undertake a review of the centre within three to five years of its establishment. Based on that review, any changes to the centre that might be recommended would be proposed to Parliament.

Honourable senators, before deciding what the Canadian centre for the independent resolution of First Nations specific claims should look like and how it would operate, the federal government examined the international claims experience to see how these challenges were addressed in other jurisdictions. The government looked at the United States tribunal model. The Independent Claims Commission, established in 1946 in the United States, was given binding powers to deal once and for all with Indian grievances over unresolved treaty, Aboriginal title and reservation land taking and compensation issues. Prior to its creation, tribes were required to obtain explicit legislative authority to launch claims against the United States.

Academic studies have concluded that the U.S. commission's failure to establish an independent historical research capacity, as well as the adversarial nature of its proceedings based on court-like procedures, doomed it from the outset. It resulted in the same kind of costly and lengthy delays that are experienced in their formal court system. Some estimates conclude that the United States government spent over \$1 billion in administering the commission and related federal agencies, and in researching and defending claims.

• (1540)

An entirely different sort of tribunal has been operating in New Zealand since 1975 to resolve issues flowing from the Treaty of Waitangi — the constitutional instrument that regulates the special relationship between the indigenous Maori and other New Zealanders. With a mandate to inquire into treaty-related issues and to report to the New Zealand Parliament, the Waitangi Tribunal sees itself as a forum for officially acknowledging Maori grievances and for assisting in their resolution.

The process in New Zealand involves an inquiry phase during which the validity of the claim is assessed, followed by a remedy phase in which the tribunal recommends remedies to Parliament if the parties are unable to negotiate a solution following a finding of validity. The tribunal has a substantial research component and has adopted the goal of delivering reports on all historical Maori claims by the year 2005.

For all of its benefits, the Waitangi Tribunal does not resolve claims. It has no binding powers and does not make or negotiate settlement offers. Instead, it cooperates with other government agencies and departments in New Zealand as part of the overall treaty issues resolution thrust of official government policy.

The made-in-Canada approach that we have adopted in this proposed legislation reflects the fact that we have learned from the experiences of other countries, embracing the best but avoiding the mistakes that we believe exist in those other systems. They are much less likely to occur under Bill C-6 because our focus is on initial joint research; the claims resolution centre's mandate is to use alternative dispute resolution techniques to effect settlements; the tribunal may only be resorted to after all other facilitative settlement processes have been exhausted; the \$7-million cap on tribunal jurisdiction will keep larger claims out of the tribunal and in negotiation; and the primary emphasis on commission-facilitated negotiations, which reflects the clear preference of First Nations, as expressed through the joint task force process. Bill C-6 is the result of a substantial joint Canada-First Nations task force process.

In closing, honourable senators, the proposed Canadian centre for the independent resolution of First Nations' specific claims and its commission and tribunal divisions will offer significant improvement over the current specific claims process. The centre will create a more independent, impartial and transparent system to settle long-standing disputes by reducing the risks associated with claims resolution for both parties. Equally important, by ensuring a more level playing field, there will be added rigour to the process and increased credibility with First Nations. This should make negotiations the method of choice to resolve specific claims.

No one believes, of course, that this single bill will resolve all of the challenges facing First Nations. It is just one piece of a complex situation. The proposed specific claims resolution act complements other initiatives designed to enable First Nations to accelerate their transition toward self-government. These include the proposed First Nations governance act, the proposed First Nations fiscal and statistical management act and the proposed First Nations land management act.

I am confident that, as each of these pieces falls into place, we will make a meaningful progress in resolving the most contentious issues that have confronted far too many First Nations for far too long. I encourage senators to recognize the potential of this progressive legislation to strengthen Aboriginal communities. I recommend Bill C-6 to the Senate.

Hon. Bill Rompkey: Honourable senators, I have a brief question for Senator Austin. Bill C-6 is an important piece of legislation. Thus far, we have found that there has been a large backlog of claims and only a certain number of them can be dealt with in any one year. There have been only six or seven claims on the table at one time. If we are to move on settling those claims and, in particular, to move toward self-government, we must speed up the process.

Could Senator Austin tell honourable senators how Bill C-6 might speed up the process in terms of numbers? Rather than deal with six or seven claims a year, would we be able to deal with substantially more claims? Would this bill speed up the settlement process?

Senator Austin: Honourable senators, it is my understanding that the bill is intended to speed up the process in several different ways. First, there will be a greater trust between the Aboriginal community and the settlement process, which will now be at arm's length and not within the total purview of the department. The Aboriginal leadership and negotiators will be prepared to move forward much more quickly with this process in place. There have been serious concerns in the past about the government effectively being a judge, jury, prosecutor and defendant at various times.

Second, we will have a new mechanism in terms of the two divisions — the commission and the tribunal — which will provide an enlarged capacity to move forward. Some of the delay rests essentially in the multiplying of demands on existing departmental facilities. The people involved in this process were involved in many other areas of the department's programs. With Bill C-6, we will create a segregated operation with one focus, which will be the negotiation and settlement of these specific claims.

On motion of Senator Stratton, debate adjourned.

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Ione Christensen moved the second reading of Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

She said: Honourable senators, I rise to present Bill C-2 on second reading and to provide you with background information on why we are dealing with the proposed Yukon environmental and socio-economic assessment act and why it is an important bill for the Yukon.

I am pleased to sponsor this proposed legislation on behalf of the Government of Canada, and through our government, for the governments of Yukon and Yukon First Nations. Bill C-2 brings into effect long overdue provisions of Umbrella Final Agreement between the Government of Canada, the Council for Yukon Indians and the Government of Yukon land claims. Its passage will also encourage and bring legal certainty to future sustainable development in Yukon. The bill ends the uncertainty that has prevailed regarding the process that developers must follow to make future investment decisions.

The Yukon Umbrella Final Agreement came into force through an act of Parliament in February 1995. This bill has been under development since that time. The umbrella final agreement served two main purposes: It set out the framework for the completion of individual Yukon First Nations comprehensive land claims and it established requirements for a number of territorial-wide resource management processes. Among these are specific obligations for the government to include legislation to implement a new development assessment process for Yukon. Bill C-2 is that proposed legislation. Enacting it will fulfil this important umbrella final agreement obligation.

I should also emphasize to honourable senators that this bill has been prepared in a manner consistent with the specific requirements of that agreement and with others that apply in the Yukon.

• (1550)

As honourable senators can see, under the process proposed in this bill, a seven person Yukon environmental and socio-economic assessment board will be created, along with six community-based designated offices located throughout the territory. This board and the designated offices will be responsible for assessing the environmental and socio-economic effects of proposed projects.

The board will then provide recommendations to whichever government or First Nation with jurisdiction over the land in which the project is located. This recommendation will provide the research information on whether the project should be allowed to proceed and what mitigating measures should be applied to it. The board must be composed in the majority of Yukon residents, and all staff will be residing in the Yukon. This will ensure that the project assessment will be under the direction of the people who live in the territory.

This will complement the implementation of the devolution of province-like responsibilities to the Government of Yukon, which will take place on April 1 of this year. Final decisions on projects will continue to rest with the First Nation or territorial or federal government with jurisdiction over the land on which the projects are proposed. The appropriate jurisdiction may accept, reject, or vary the assessment recommendations. The proposed legislation will then require them to implement their decision with full public disclosure on the rationale for the decision.

Honourable senators, I would also like to highlight some of the more noteworthy process features in this bill: the creation of a single process for project assessments in the Yukon, providing certainty for project proponents and others involved in the assessment process, avoiding or minimizing process duplication, and providing guaranteed opportunities for First Nations and others to participate in the assessment process.

Honourable senators, there are presently eight Yukon First Nations that have concluded land claims and self-government agreements and now have responsibilities for regulating activities on their settlement land.

The Gwich'in Final Agreement provides the Gwich'in of the Mackenzie Delta with settlement land in the Peel River Basin region of the Yukon. Six Yukon First Nations are still negotiating their final agreements, and we hope they will be settled before too long.

Honourable senators will recall in our last session that Bill C-39 brought about a new Yukon Act. As I mentioned earlier, on April 1 of this year, the Government of Yukon will take on management responsibilities for much of the land, water and mineral resources in the territory currently managed by the

federal government. Federal agencies such as the Department of Fisheries and Oceans and Parks Canada will continue to be active resource managers in the Yukon, as they are across the country. With all of these different levels of government managing different lands and resources, the Yukon could be faced with 16 or more different processes for assessing projects across the territory.

However, Bill C-2 will provide a single consistent process to access projects on lands in the territory. This will help ensure that potential developers will have one set of rules to follow across the Yukon for environmental and socio-economic assessments of their proposals. Consistency and predictability in the assessment process are key requirements for encouraging responsible development, and this bill proposes to provide them.

Honourable senators, the certainty and timelines of the assessment process are featured in Bill C-2, which are important in providing a climate that encourages responsible development in the Yukon, while also providing effective environmental protection. We have heard during earlier considerations of Bill C-2 that providing greater certainty is a key objective of all parties. Certainty is needed by industry to attract investors. Certainty is needed by government to manage resources effectively. Certainty is needed by First Nations to protect their culture and to grow their economy. Certainty is needed by all residents for an open, balanced and effective assessment and decision-making process.

We have heard throughout the development of this bill, and during its consideration in the House standing committee, the importance of certainty for the Yukon mining industry. Environmental groups and First Nations have also made it clear that they wish to see certainty with respect to their participation in project assessments.

Honourable senators will see that there are many provisions in the bill that aim to provide greater process certainty. For example, binding procedural rules for the conduct of all assessments must be established by the board, including rules laying out times for assessments and project proposal requirements. These same binding rules must articulate how the public and interest groups will participate in all assessments.

We have also heard that industry and environmental interest groups want to participate in the development of these important procedural rules. A provision in the bill guarantees that the public can see early drafts of these rules and will be invited to provide input before they are finalized. I am also confident in the ability of those Yukoners who will participate on the board to be inclusive and consult thoroughly as they develop these important rules.

In addition to the rules that will provide certainty for the assessment process, First Nations, federal and territorial decision-makers will be required to respond to assessment recommendations within specific time frames that will be set out by regulation. This will ensure that decisions in response to the project assessments are timely as well.

Honourable senators, I am pleased that officials have already sought input from industry, conservation and other interest groups regarding these future regulations. In complex legislation such as this, it will be regulations that set out the process for implementation, and they are yet to be formulated. It is fair to say that it is the uncertainty of such regulations that causes the most concern to opponents of this bill.

Honourable senators will appreciate the importance of reducing or eliminating duplication in order that the regulation of development activities can be as efficient and as effective as possible. There are many provisions in Bill C-2 that are aimed at achieving this goal.

Assessments under the Canadian Environmental Assessment Act will not be required for most projects assessed under this proposed legislation. However, there will remain opportunities for the involvement of the Minister of the Environment and the Canadian Environmental Assessment Act for authorizations from the National Energy Board or where a panel review is required for transboundary projects or those under federal jurisdiction.

The bill presents a number of options for the makeup of joint project review panels involving the Minister of the Environment or others to help ensure that only a single panel review process will be applied to a given project in the Yukon.

Honourable senators, for all assessments conducted under the proposed process, those conducting the assessments will be required to collaborate and to cooperate with any other process that may be examining the potential effects of a project in order that there not be duplication of effort. The assessors, under this process, will also be able to substitute reports prepared under other processes in lieu of doing their own, thereby further reducing the potential for duplication.

These provisions will be particularly useful for the assessment of projects on the North Slope of the Yukon where the Inuvialuit Final Agreement screening and review process will still apply. I believe honourable senators will agree that these provisions to avoid process duplication will help to encourage orderly development in the territory.

• (1600)

As I mentioned in my opening, this bill represents the fulfilment of a major outstanding obligation from the Yukon Umbrella Final Agreement. A key objective of chapter 12 of that agreement, on which this bill is based, is to ensure that First Nations are involved in development assessments. Bill C-2 provides guaranteed opportunities to participants in all assessments for all First Nations, regardless of whether they have completed their final agreements. Proponents of large projects that will be assessed by the board are required to consult with affected First Nations when developing their project proposals.

The Council of Yukon First Nations will nominate half of the members of the Yukon Development Assessment Board, and must involve all the First Nations in their decisions regarding

those nominations. Those First Nations that have completed their final agreement and self-government agreements will also be decision bodies for some projects under the process proposed in this bill. They will be able to benefit from the assessment recommendations provided to them for projects on their settlement lands and will accept, reject or vary those recommendations in decision documents that they must implement.

Honourable senators, you will see in the bill many clauses to provide opportunities for the participation of public interest groups in assessments. The legislation will also require that information collected or produced by the assessors be maintained on readily accessible public registers so that it will be a transparent process that facilitates public involvement.

I should like to spend a few moments discussing the process used in preparing this bill. Bill C-2 is the result of more than six years of close collaboration of federal officials with the Yukon First Nations and the Government of Yukon, and extensive consultation with the Inuvialuit, Gwich'in Tribal Council, interest groups and the public.

Federal officials were granted special permission to use drafts of the legislation as tools for consultation. Several drafts were circulated and discussed among First Nations and the Government of Yukon, and two drafts were the focus of extensive public interest group consultation. Three territorial-wide community tours, public meetings, workshops and mail-outs were all part of the consultation process. An Internet Web site was established and maintained to provide updated information on the development of the proposed legislation. Several meetings were held with individual First Nations, the Inuvialuit, municipalities, industry representatives and environmental groups.

Federal officials reached agreement on all policy aspects of this bill with the Government of Yukon and the Council of Yukon First Nations, representing 11 of the 14 Yukon First Nations and all eight with settlement agreements. Both these parties strongly support the bill. The bill is also consistent with the Yukon Umbrella Final Agreement — an agreement among the federal government, the Government of Yukon and the Yukon First Nations.

I believe we must respect not only the strict requirements of the Yukon Umbrella Final Agreement, but also the additional provisions in the bill which were strongly supported by the parties to that agreement.

Some concerns were raised during the consideration of this bill, many relating to the potential involvement by interest groups in the development of important assessment procedural rules and regulations. I have reviewed the application provisions carefully and am confident that Yukoners, who will be implementing this process, will seek advice on these matters from the key industry and conservation groups.

To summarize, this bill represents the completion of a major land claim commitment for the Government of Canada. Beyond this, the proposed legislation provides for a single, Yukon-based, effective, timely process for assessing the effects of proposed projects that minimizes duplication and provides a high degree of certainty for proponents and others.

The process will be based in the territory under the control of Yukoners. As such, the bill will provide the Yukon with a valuable tool to encourage responsible, sustainable development in the territory for many years to come.

I ask honourable senators to read this bill carefully. It is complex. I would then ask you to bring your questions and concerns to the meeting that our committee will have with the minister and his staff. This bill is a negotiated tripartite piece of proposed legislation. It has been years in the making. True, it will add to the work of the developers; but without this legislation, we would have an impossible maze. The large number of jurisdictions and the resulting lack of conformity in such a small community would be truly chaos. Bill C-2 brings order to this process.

Honourable senators, I ask that you support this bill.

On motion of Senator Tkachuk, debate adjourned.

[Translation]

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Bill Rompkey moved that Bill C-15, to amend the Lobbyists Registration Act, be read a second time.

He said: Honourable senators, it is my pleasure to move the second reading of Bill C-15, to amend the Lobbyists Registration Act.

It is not a complicated bill. In fact, the current system works well and does not require a lot of change. Canada has a transparent system for governing lobbying, and the information is easily accessible to Canadians on the Internet.

[English]

This bill addresses a few issues that have emerged over the past seven years of experience with the law as it currently stands. These are issues that the government is asking us to address in order to make a good system work even more effectively. I should point out that this bill does not stand in isolation. It is a component of the Prime Minister's eight-point plan of action on ethics. It is meant to help enhance the trust of Canadians in our public institutions.

Before I go further, let me outline the lobbyists' registration system as it exists now. That system is founded on four key principles. First, free and open access to government is an important matter of public interest. Second, lobbying public office-holders is legitimate activity. Third, it is desirable that public office-holders and the public are able to know who is attempting to influence the government. Fourth, a system of

registration of paid lobbyists should not impede free and open access to government. These principles recognize the reality and legitimacy of lobbying, matched with the importance of openness and transparency.

The current act — and this would not change with the passage of Bill C-15 — pertains to efforts by lobbyists to influence the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs, or the award of federal grants, contributions or other financial benefits. The Lobbyists Registration Act deals with the lobbying of what it defines as public office-holders in the Government of Canada.

• (1610)

Honourable senators and their staff members are included in that list, of course, as are members of the other place and their staff members. The officers and employees of federal departments and agencies, from the most senior to the most junior, as well as members of the Canadian Forces and the Royal Canadian Mounted Police, are included to provide comprehensive coverage.

I should note that the act does not cover ordinary citizens or volunteers as lobbyists. People acting out of a sense of civic interest are not expected to register and report on their activities. Instead, and quite properly, the law covers people who are paid to lobby, either as employees of a business or a non-profit organization, such as an industry or public interest association where this constitutes a significant part of their jobs, or as outside consultants.

While the current law has more elements, such as the information that lobbyists are expected to report, I only want to note one other item before I move to the substance of Bill C-15, which is the complimentary Lobbyists' Code of Conduct that supports the act. That code sets standards of conduct for lobbyists and is the subject of an annual report, which is tabled in both chambers of our Parliament.

[Translation]

I should point out that the original version of the Lobbyists Registration Act was passed in 1989. However, this version was inadequate. It did not offer the necessary transparency to meet the increasingly elevated expectations of Canadians.

The government followed through on a promise it made in the 1993 election campaign and introduced more solid legislation in 1995. Parliament passed this bill, which became law in 1996.

[English]

In 2001, the Standing Committee on Industry, Science and Technology in the other place studied the act in terms of how it was working and how it might be approved. That committee looked at issues that the Minister of Industry had asked it to consider and heard from a series of witnesses. The result was a limited set of recommendations for change. They were limited simply because the evidence indicated that the system was working well, with the needed degree of transparency and effective operations.

In time, and after its own review of the committee report and some of the questions that members of that committee proposed for further analysis, the government introduced Bill C-15, which has come to us without any amendment from the original bill.

Honourable senators, this bill proposes three substantive changes to the current legislation. The first clarifies who must register under this act. The law, as it stands, states that a lobbyist who is attempting to influence a public office-holder must register. The question is what, exactly, does that wording about "attempting to influence" mean in practice? Where does it start and where does it stop?

In fact, concerns have been expressed that some people who are truly lobbyists might not register specific work because they may claim that they are not engaged in any "attempt to influence." They may claim that they are simply seeking information on behalf of their client, business or organization, with no influence intended.

This bill addresses that potential problem. It proposes that, in general, if there is communication with a public office-holder by someone who is doing so in connection with his or her job, there is lobbying. There is an obligation to register as a lobbyist. The key is communication, not what or may not be an attempt to influence.

The bill exempts simple fact-finding from this definition, yet clearly defines more stringent boundaries for activities that require registration.

Honourable senators, Bill C-15 would also close what has been seen as a loophole in the existing law. As it stands now, the law does not require registration if it is a public office-holder who initiates the contact with the lobbyist, for example, to seek out an industry's views on a particular issue.

Translation]

The bill submits all communication to the same requirements, regardless of who initiates the contact, regardless of the whether or not the lobbying is well established or in its initial stages. If one of us calls a lobbyist to discuss a given topic, he or she must register. These changes will make the system more transparent and will meet the expectations of Canadians.

English]

Honourable senators, Bill C-15 also harmonizes registration processes, which are now different for lobbyists who are employees of businesses than they are for lobbyists employed by non-profit organizations. Moreover, it simplifies the registration and deregistration requirement for all those lobbyists and their employers.

Under the law now, an employee of the business who spends 20 per cent or more of his or her time lobbying must register. Conversely, it is the senior officer of a non-profit organization, such as an industry association or a public interest group, who

must register. Even then, that only occurs if the amount of time that any of his or her staff devote to lobbying adds up to 20 per cent of the time of a single employee.

After substantial analysis and consultation on the issue, Bill C-15 would require both types of organization, whether for profit or not for profit, to follow the same rules. Quite simply, if the amount of time spent lobbying by employees adds up to 20 per cent or more of the working time of one employee, then the chief executive officer of that organization must register on its behalf. The register would show the names of everyone on the payroll who lobbies as part of their jobs, but the CEO would clearly be responsible in law for adherence to the Lobbyists Registration Act. The same kind of consistent approach would be brought to the required timing of updates to registration information.

Instead of a mix of different timetables and requirements, all lobbyists will have to renew and update their registration every six months. All lobbyists will continue to be required to update their registrations more often to reflect changes in their clients or the nature of their lobbying efforts. Lobbyists who do not update their registrations accordingly will be deregistered.

Along these lines, I should note an amendment to this bill that was made in the other place. It would require that any in-house lobbyists who had formerly worked for the Government of Canada must provide information on the positions held, adding another element of information and transparency to the process.

The final major change included in Bill C-15 imposes a new obligation on the Ethics Counsellor and his staff. That obligation would arise if the Ethics Counsellor investigates a situation, such as a complaint under the Lobbyists' Code of Conduct, and identifies a possible offence under any other law. This bill would require the Ethics Counsellor to take the matter to the police for investigation.

[Translation]

Honourable senators, Bill C-15 obviously contains other elements. However, they are basically minor technical changes. These changes include reconciling differences between the French and English versions and solving other problems related to the wording.

We have already given careful thought to this issue and we have done a lot of analysis. The main points are now clear.

[English]

The federal lobbyists registration system works well. It can work that much better with a small number of judicious changes that will make the system more transparent and more enforceable.

Passage of this bill will be an action that encourages improved public trust in the work we do as parliamentarians and in the work of all public office-holders. I encourage honourable senators to support the legislation.

• (1620)

On motion of Senator Kinsella, for Senator Di Nino, debate adjourned.

[Translation]

THE ESTIMATES 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B)— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Finance on the Supplementary Estimates (B), presented in the Senate March 25, 2003.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, the report before you deals with the Supplementary Estimates (B) for the fiscal year 2002-03. The amount is \$1.4 billion, which has been added to the \$5.7 billion already approved by Parliament in the Supplementary Estimates (A), and \$170.6 billion in the Main Estimates. The total amount is approximately \$177 billion for 2002-03.

The details of these proposed expenditures are well explained in the report.

[English]

Let me draw your attention to several features of our report, which I shall do briefly.

I believe the committee is making slow but steady progress in our campaign to tighten up Treasury Board policy and guidelines for the use of Contingency Vote 5 and restricting its use. Honourable senators will recall the concerns of our committee to the effect that this so-called contingency vote provided for each year in the Estimates was being used as a pool of funds to be accessed by ministers and by officials whenever convenient for them. We therefore find that guidelines and policy have to be tightened up.

You will note that the Minister of Finance, in his budget speech last month, more specifically tabled with his budget plan, committed to review the use of this Contingency Vote 5 and the reporting to Parliament. Treasury Board officials who appeared before our committee were even more expansive in their commitment. They stated, on behalf of Madam Robillard, that she, the President of the Treasury Board, intends to consult us on the proposed new rules and guidelines. We are making slow but steady progress on that issue.

There is a general issue concerning the quality and quantity of information on proposed government spending that is provided for Parliament. I see this issue becoming much more — not important, because it could not become more important — but I see it becoming a more visible issue in the months ahead. For example, in these Supplementary Estimates (B) brought in at the tail end of this fiscal year, we were asked to provide and we will

provide, if the supply bill goes through, \$14.8 million to something called “The Canadian Lumber Trade Alliance,” which had been incorporated only a month earlier. The problem for the committee was that there was really no information as to who these people are or what the purpose of this funding is. The Treasury Board officials who appeared before us were remarkably innocent of detail. They did not have briefing notes that could tell them and, therefore, us, very much about it. My hunch is that this Canadian Lumber Trade Alliance is a group of operators — perhaps on the West Coast, perhaps across the country, who knows? — who will do some of the heavy lifting for the government in terms of the campaigning on the softwood lumber issue in the United States. However, that is a hunch, and it is backed up by nothing in terms of solid information from the officials who appeared before us. My colleague Senator Lynch-Staunton quite properly protested this at our meeting with the officials on these Supplementary Estimates.

Senator Lynch-Staunton also pointed us to another matter. It is emerging as the chief tormentor of the officials of the Treasury Board. There is \$96.9 million in a supplementary estimate at the tail end of the year to go to the Department of Public Works to acquire the Skyline Campus in west Ottawa. Here, again, when we inquired as to which tenants will occupy this space and what it was all about, information was really very scarce. The justification that the Treasury Board officials presented to us was, “Well, this was an opportunity that came up for the government to purchase this property.” The total investment will come eventually to \$176.8 million. They had opportunity to spend \$96.9 million on this property, and it had to be done before the end of the fiscal year.

I doubt very much that there was a lot of congestion or that there was a big crowd of potential buyers competing for this property. I suspect there was one potential buyer, which was the federal Crown. I suspect that the reason we are being asked to do this is that the government was flush with cash and wanted to spend \$96.9 million of this proposed \$176 million and charge it up to the fiscal year that ends at the end of this month. I am not unfamiliar with the practice. I am not even totally unsympathetic to it. However, I think that it is important that we have some information on these matters. We had virtually none. We were left only to thrash about and to insert into our report several complaints about the way it is being handled.

I suspect, and I do not think Treasury Board officials told us this, that this campus, so-called, will be occupied by the headquarters of the Department of National Defence. How do I know?

Senator Lynch-Staunton: Agriculture.

Senator Murray: Oh, it is Agriculture?

Senator Lynch-Staunton: The Canadian Food Inspection Agency and Agriculture will move from the Experimental Farm.

Senator LeBreton: No, no. They are going to another building.

Senator Murray: The Department of National Defence is buying another campus. There you go.

Senator Bolduc: Perhaps Senator Carstairs will tell us.

[Translation]

Senator Murray: You see, honourable senators? This is the way we find out, this way and through the *Ottawa Citizen*.

Let me simply say that some common sense could certainly be brought to bear on these matters. The departments concerned could try to play by the book, including a proper communications plan and some deference and respect for Parliament in the quality and quantity of information that they provide. Here I simply say we do not need excessive detail. We just want to know what the \$96.9 million dollars is going for and who will occupy the space and why they need to put it down now. If they would do that, some of these departments would be in less trouble less frequently.

With those few cheerful words, honourable senators, I commend this report to your approval.

On motion of Senator Cools, debate adjourned.

(1630)

REPORT OF NATIONAL FINANCE COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Finance on the Estimates for the financial year ending March 31, 2003, presented in the Senate on March 25, 2003.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, as you know, we have kept this order of reference alive for the past 12 months.

[Translation]

This is the seventh report submitted on supply for fiscal 2002-03.

[English]

If you came to the conclusion, upon reading our report, that the committee has perhaps started more than we have finished, I could not object to your having drawn that inference. Nevertheless, I believe the committee has struck several small but significant blows for improved transparency, accountability, fiscal conservatism and good governance, which some of us believe are the same thing.

In addition to the reports on the Estimates that we have submitted over the past fiscal year, we also did a special study concerning the Goose Bay, Labrador airfield entitled "Managing and Marketing the Goose Bay, Labrador Airfield." I am happy to report that as a result of our report and recommendations we have had quite an encouraging reply under date of March 10 from the Minister of National Defence, the Honourable John McCallum. That letter is available to you if you are interested in reading it. I think there we have made some progress.

Toward the end of last March, we submitted a report on the equalization payment program. Our recommendations were very well received by the provincial premiers. Prime Minister Chrétien committed to accepting one of our most important recommendations: elimination of the ceiling on transfer payments. This is a very important initiative for the receiving provinces. We know that the transfer payment program is the object of federal-provincial discussions at the present time. I hope that the federal government will accept a number of other recommendations, particularly the one aimed at a return to a ten-province standard —

— instead of the five-province standard for calculating the equalization payments. This would be a second extremely beneficial step to take for the recipient provinces.

I have already referred to Treasury Board Vote 5, the so-called contingencies vote.

There was also the question, and it is referred to in our report, of the government's policy regarding the disposal by the National Capital Commission of surplus lands. You will recall our concern that the present policy allows the NCC to keep the proceeds from the disposal of surplus lands for its own operational purposes. We have been concerned that this creates something of an incentive for the NCC to dispose of land when it is strapped for cash. Our belief is that when the NCC disposes of land, it should return the proceeds to the Consolidated Revenue Fund and when it is strapped for cash, or even when it is not, come to the federal cabinet, as other agencies of government must do, and make its case.

I may say on this question that we have also had a fairly positive response from the President of the Treasury Board, Ms. Robillard, who told us that they have considered our recommendations and they believe it is time to review the real asset management funding strategy for the National Capital Commission. Ms. Robillard tells us that the Treasury Board Secretariat is examining the sale of surplus properties with the NCC and is considering funding options. We expect to bring recommendations from the study to the Treasury Board in early 2003 and Ms. Robillard will notify us of the results.

There is the question of the hosting of major international events. This interest was occasioned when, during consideration of Supplementary Estimates (A), I believe it was, we got a bill for the visit of His Holiness Pope John Paul to Canada for World Youth Day in Toronto last summer. Senator Lynch-Staunton, alert as ever, wanted to know — loyal Catholic that he is, but frugal taxpayer — how much we were paying for this and, in general when Canada hosts these events, what controls are in place for monitoring and keeping track of expenses.

This led us to some consideration of sporting events, which of course are much more significant dollar items, what with the Olympics, Commonwealth Games, Pan Am games, les Jeux de la Francophonie, et cetera. Upon investigation, we found that there

is quite a coherent policy in place aimed at protecting the federal government's interest. However, we are alarmed, simply from following the media, by the expectations of some cities that under the rubric of games they hope to attract, and which the federal government is helping them to attract, Ottawa will then be on the hook for massive investments in infrastructure, for which provincial and municipal governments ought to be primarily responsible. Therefore, with Hamilton, Vancouver and Toronto perhaps coming up with major events along these lines, Parliament needs to pay close attention. It is important that the proponents of these games outside of Parliament and in and around government and Parliament know that Parliament is paying close attention.

Finally, on the question of these foundations that we have talked about in the past, this is a situation where the government, typically near the end of a fiscal year, pours money into these foundations, some incorporated under the Canada Corporations Act, others incorporated by legislation. As you know, our concern has been that the accountability to Parliament through ministers of these foundations is quite tenuous. Here again, the Minister of Finance, in his budget plan, promised to tighten up fairly significantly, and I am gratified to see that slow progress is being made here. He indicates that, in the future, these things will be set up by legislation. He did not exclude the possibility of their being set up through the Canada Corporations Act, but he indicated quite strongly that, in the future, they would be set up by legislation.

• (1640)

The minister also talks about the need for annual reports to be made public. I think it is more important that those annual reports be tabled in Parliament where, if necessary, they can be referred to the appropriate parliamentary committee and discussed, because the point of all these foundations is that they are serving a public policy purpose but they are set up as private bodies.

Without going into detail, although I may do so at some future occasion, I should like to draw your attention to a paper that will appear in *Canadian Public Administration*, Spring 2003, written by Professor Peter Aucoin of Dalhousie University. He is someone in the field of public administration whom we all know very well. I believe he is one of the most respected people in that field in this country.

He has authored a paper on this issue entitled "Independent Foundations, Public Money and Public Accountability, Whither Ministerial Responsibility as Democratic Governance." Speaking of these foundations, I will read one sentence to give you the flavour of the paper, and I invite honourable senators to obtain a copy and read it in its entirety.

Essentially the criticism is that the design of these foundations constitutes the privatization of public authority to allocate public money for public purposes in ways that put them beyond the pale of the Constitution's requirement for parliamentary control.

[Senator Murray]

That is the nub of the issue. It is a very good paper, to which I invite your attention in due course.

Honourable senators, that is all I have to say about this report. You have it in front of you, as you have the government documents. I invite your favourable consideration of the report.

The Hon. the Speaker: Question?

Hon. Bill Rompkey: I just wanted to make some comments, if I may.

The Hon. the Speaker: Will you adjourn, Senator Cools?

Senator Cools: Yes.

Senator Rompkey: Honourable senators, I wanted to draw attention to two of the items to which Senator Murray referred, namely, the Goose Bay study and the equalization study, and to commend him and the committee on the excellent work they did on both. Neither of these studies may have attracted a lot of national attention, but I can assure the chamber that, from a regional point of view, they were extremely important.

First, Goose Bay is a remote northern airfield that is very vulnerable. If it is vulnerable, then the centre of Labrador is vulnerable. This was the first public comprehensive study to be done of the administration there. As I recall, the committee sat until late last June, beyond the sitting of the Senate, and tabled the report in July.

Senator Murray and the other members of the committee put in long hours hearing witnesses. The report that they presented will form the basis of future negotiations on changes in administration that will have a positive impact on that area. The letter that Senator Murray has received from Minister McCallum is an indication that the Senate played a principal and important role in developing that issue. It also reflects on the kind of work that the Senate can do and does do from time to time with positive effect.

The second item is the report on equalization. I believe this is the most important economic issue that currently faces us and those provinces that receive equalization. I can certainly speak for my own province. I believe it is the most important economic issue that we face today.

The kind of analysis that was done in committee was important and useful. It was supported and responded to positively by all four Atlantic premiers. One particularly positive outcome was the recent lifting of the cap. Hopefully, that analysis can be used to further develop policy on equalization that would be beneficial to all of those provinces that now receive equalization.

I would commend Senator Murray and the committee on the excellent work they did on those two important issues that were, perhaps, not excessively noticed.

On motion of Senator Cools, debate adjourned.

THE ESTIMATES, 2003-04

FIRST INTERIM REPORT OF NATIONAL FINANCE
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Finance on the Estimates 2003-04, presented in the Senate on March 25, 2003.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, this is our interim report on the Main Estimates for fiscal year that begins on April 1. We will keep this order of reference alive for 12 months. We will issue interim reports on various subjects as they arise.

Let me say, if you are reading this report, there is nothing to prevent other standing committees of the Senate from exploring in more detail some of the issues to which we are drawing attention. For example, there is a reduction of \$0.5 billion in grants and contributions to the Department of Agriculture. We are told that this reflects the phasing out of the Canada Farm Income Program and other programs. However, the replacement programs are still being negotiated and so the money for them will, one assumes, be in Supplementary Estimates for 2003-04, at some point. That is as far as we could go in our consideration of that item in the Main Estimates for 2003-04. I would simply put that on the record and say to the chair, Senator Oliver, and members of the Standing Senate Committee on Agriculture and Forestry, "over to you."

A reduction of \$30 million in the allocation to the Department of Fisheries and Oceans in several important areas also caught the attention of the committee because it was the view of several members of the committee who know something about this that these are areas where more public investment is needed. The chairman of the Standing Senate Committee on Fisheries and Oceans happens to be a member of our Finance Committee, so I am sure that he and his committee will want to take this matter up.

Once again, honourable senators, I simply state that this whole business of the quantity and quality of information on spending that is presented to Parliament is a growing issue for us. We will, I think, dealing with it in more detail during this fiscal year, and we will continue our consideration of such matters as foundations and others that we started but did not quite finish during the fiscal year that is now drawing to a close.

Permit me to thank all members of the committee for their constant attendance, their cooperation, their hard work, and their personal consideration, as well as the clerks and members of the staff from the parliamentary library who have given us such considerable assistance during the fiscal year. I commend this report to your favourable consideration.

On motion of Senator Cools, debate adjourned.

BROADCASTING ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Noël A. Kinsella moved the third reading of Bill S-8, to amend the Broadcasting Act.—(*Honourable Senator Kinsella*).

On motion of Senator Ringuette, debate adjourned.

[*English*]

• (1650)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Cools*).

Hon. Joan Fraser: Honourable senators, some of you may recall that I spoke to the earlier version of this bill last April in the previous session of Parliament. I shall not abuse your patience by repeating everything I said then. However, there are a couple of points that I do wish to make today.

Honourable senators, I still oppose Bill S-3, despite the obviously estimable motives of its sponsor and despite the impressive arguments made for it by other senators. I have not been swayed by their arguments.

One point that bears some consideration is the suggestion that our symbols should reflect us favourably and that there is a problem because the national anthem does not do that. I would suggest that symbols could not actually reflect us faithfully. The whole point of a symbol is that it is a "symbol" — it symbolizes something much greater than the literal or visual reality of the symbol itself. The best example I can cite, perhaps, is the best-known symbol of Canada, surely, the scarlet maple leaf, which is known all over the world, and to every Canadian, as the symbol of this country. Scarlet maples do not grow in the West and they do not grow in the North but that has not stopped us — easterners, westerners and northerners alike — from being proud of that symbol. We know that it refers not to a particular species of vegetation that grows in Eastern Canada but to everything about this country that we cherish. We are proud to wear and to salute the maple leaf.

The difficulty in attempting to make our symbols reflect us specifically and literally is that the more detailed or the more groups of Canadians we include specifically and literally, the more we will end up hurting, wounding or offending those who are not specifically and literally included in our listing.

On this point I would like to clarify something that I said last year because it may have led to some misunderstanding. I said that, if we want to acknowledge women's concerns, why not other groups? Why not acknowledge Aboriginal people, immigrants, fishermen, bankers and software engineers? I sensed that some people thought that with those words, I was in some way belittling the importance to our country of its Aboriginal peoples. In fact, senators, the point that I was trying to make was the exact opposite. I was trying to say that if we begin by including, for specific reference, the most legitimate groups imaginable and find ourselves moving along a continuum, we would end up pressured to include all kinds of other groups who are, shall we say, far more debatable.

No one is more worthy of specific inclusion in our national anthem, if that is our wont, than are the Aboriginal peoples of this country because they truly are our First Nations. If I were to favour the reopening of the national anthem, which I do not, they would be my first priority for specific inclusion.

My point, honourable senators, was that, once we include Aboriginal peoples, surely we would have to include immigrants and the rest of us who are descended from immigrants and proud of it. Then we would have to include all of the other people who built this country. We would find ourselves pressured to include the Europeans who opened up the country to fur trading. That is no longer politically correct. What would we do about that kind of reference?

Honourable senators, even the most legitimate of inclusions may create precedents that we do not wish to have. I hope now that that is absolutely clear because the last thing I wished to do was to offend or to wound anyone.

As Senator Stratton said the other day, our national anthem is a work of art; it is a work of poetry. It is an imperfect work of art; it is not great poetry; and it is not great music, but it is ours. No human work is ever perfect but this one is ours, "warts and all." As I said one year ago, it seems to me that the value of a national anthem is not in its precise words or in its precise music but in its durability. It is the fact that generations of Canadians sing it. It is not that a Parliamentary committee decides this, that or the other word should be in or should not be in. The value is that we collectively say, "This is our anthem — the one that we, our children, our grandchildren and our great-grandchildren can sing with pride." That, honourable senators, continues to be why, with some regret, I oppose this bill.

Hon. Francis William Mahovlich: Honourable senators, I would like to ask a question of Senator Fraser. Did I hear her say that it was not great music?

Senator Fraser: The music is not as bad as some other national anthems that we have heard but it is not as great as some others we could name, in purely musical terms, in my unprofessional view. However, I love it, honourable senators, and I will sing it happily until the day I die.

[Senator Fraser]

Senator Mahovlich: I think our national anthem stands up with any anthem in the world.

Some Hon. Senators: Hear, hear!

Senator Mahovlich: I also want the honourable senator to know that I have two grandsons who are descendants of Calixa Lavallée who wrote the music for *O Canada* in 1880.

Hon. Marcel Prud'homme: I must say that it was a delight to hear the honourable senator, although I did not agree with her. I want you to know that my character is such that whether I agree is irrelevant to the relationship, just like the pleasant exchange I had a moment ago with Senator Buchanan. It was a delight to hear Senator Fraser.

Thinking about the future, and being the only surviving member, along with Senator Forestall, of Mr. Pearson's committee on this issue in 1967, and seeing more and more controversy, I think that perhaps we could suggest that, in the future, words not be used. As Senator Mahovlich just said, in some countries they ask that ladies and gentlemen please stand for the national anthem and there are no words; there is only the music.

Would that not be a pleasant way to solve the problem, eventually — by reuniting all Canadians of every origin, sex and affiliation under one anthem called "Calixa Lavallée?" Those who want to sing the anthem in English, could sing in English, and those who want to sing it all in French, could sing it in French.

• (1700)

I should like to get the view of honourable senators. I proposed once that at federal events we should not sing the national anthem half in English and half in French. To truly show the bilingual nature of our country, we should sing it completely in both languages. That way, people would be singing side by side in a cacophony. That is the nature of Canada.

We all agree on the music. Thank God no one has asked to change the music.

I wish that people would read the law. The national anthem is not a funeral march. We even took great care to say how it should be sung — with vigour, not as a dirge.

Senator Fraser: I thank Senator Prud'homme for his question and his suggestion.

It would be an easy solution among English Canadians to have it become customary to use only the music. It is quite amazing that since Parliament rewrote the national anthem, a number of Canadians no longer know the words. We learned it one way when we were children, and then Parliament changed it. Now, dear goodness, Parliament might change it again, and we do not know what the words will be for our national anthem. This is not true of French-speaking Canadians.

Honourable senators will bear with me, perhaps, to relate a memory. I recall that at the great pre-referendum rally in the Paul Sauvé Arena in 1980, I heard thousands of Quebecers sing *O Canada* with all their hearts because they were singing for the country that they loved and wanted to protect. However, the thing that floored me was that they sang it with all their hearts, and then they all, thousands of them, sang the second verse. I do not know a single English Canadian who could sing the second verse of *O Canada* in English. I must acknowledge that we English-speaking Canadians are at an enormous disadvantage. We are just not as good at this as are francophones.

I would not wish to make judgments for all my fellow citizens. I know there are occasions now when only the music is played, and it is treated with great solemnity by the public.

Honourable senators, since I am proposing that we not reopen the law, I must be consistent. I am proposing that we not reopen the law.

On motion of Senator Robichaud, for Senator Cools, debate adjourned.

LOUIS RIEL BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator LeBreton*).

Hon. Thelma J. Chalifoux: Honourable senators, I am pleased to say that my colleague across the way, Senator LeBreton, has promised to speak to this item on Thursday or next Tuesday.

Order stands.

PUBLIC SERVICE WHISTLE-BLOWING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Murray, P.C., for the second reading of S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistle-blowers.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise today to say a few words about Bill S-6. I shall continue at a later time. I wish to explain the reason. I intend to use about five minutes of my time right now.

First, I wish to remind honourable senators that Bill S-6 is a bill to assist in the prevention of wrongdoing in the public service by establishing a framework for education and ethical practices in

the workplace for dealing with allegations of wrongdoing and for protecting whistle-blowers.

For several years, the Senate has discussed and debated the importance of legislation on whistle-blowing. In 2001, this chamber gave first and second reading to a previous version of Bill S-6 and referred it to the Standing Senate Committee on National Finance. However, Madam Robillard, President of the Treasury Board, subsequently produced a policy dealing with the issue of whistle-blowing, entitled "Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace." Honourable senators might recall that this policy decision of the Treasury Board resulted in the establishment of the Office of the Public Service Integrity Officer.

A period of time has elapsed since the Public Service Integrity Officer was appointed. There are a number of developments running parallel to this bill and, perhaps, developing issues as well, all of which, in my judgement, help to inform on this bill.

Honourable senators, I am thinking, in particular, of a piece of legislation that is in the other place introduced by the government dealing with reform to the Public Service Commission of Canada. As the model of a whistle-blowing officer that is contained in Bill S-6 draws on the present structure of the Public Service Commission, it may well be that the government bill, if it proceeds, might overtake this bill.

I am more interested in seeing that we have a good methodology in place. I would prefer legislation because it is only legislation that can give statutory protection to the whistle-blower, but these things become practicable when all the elements are on the table.

I will continue this debate later.

On motion of Senator Kinsella, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-4, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Kinsella*).

Hon. Marjory LeBreton: Honourable senators, I seek the indulgence of the Senate. This is a topic on which I had intended to speak because of some practical experience that I had in this area in my previous life in the appointments area of the Prime Minister's Office.

I would like to put the Senate on notice that I want to speak to this item. However, I promised Senator Chalifoux that I would address the Louis Riel bill and I have a health care speech. Therefore, I would like to start the clock on this item again, with the approval of honourable senators, and take the adjournment of the debate in my name.

On motion of Senator LeBreton, debate adjourned.

• (1710)

VIMY RIDGE DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.—(*Honourable Senator Atkins*).

Hon. Ross Fitzpatrick: Honourable senators, I rise today to speak on Bill C-227, the Vimy Ridge Day bill, which seeks to commemorate April 9 as a national day of remembrance of the Battle of Vimy Ridge. I am pleased to do so for a number of reasons, which I would like to briefly outline.

First, as we know, the Battle of Vimy Ridge was a defining moment in the history of our country. Canada entered the First World War a colony of Britain. Only four years later, our country took its place at the table for the signing of the Treaty of Versailles as an equal sovereign state. The principal reason for this swift transformation from colony to nation was the outstanding victory of the Canadian Forces at the Battle of Vimy Ridge.

King Edward VIII of Britain made this point very forcefully. Speaking at the official unveiling of the Vimy Ridge monument to the Canadian troops in France in July 1936, he declared: "It is a memorial to no man, but a memorial for a nation." His thoughts were echoed by Brigadier-General Alexander Ross, who commanded the 28th North-West Battalion at Vimy. Also speaking at the unveiling ceremony in 1936 in his new capacity as President of the Canadian Legion, General Ross recalled thinking at the time of the battle that it was Canada from the Atlantic to the Pacific on parade. He said, "I thought then...that in those few minutes I witnessed the birth of a nation."

One of the most renowned military scholars of the First World War era has written a compelling and concise explanation of the importance of the Canadian victory at Vimy Ridge for the Allied cause. Professor John Keegan's account states:

The success of the Canadians was sensational. In a few hours the German front was penetrated to a depth of between one and three miles. Nine thousand prisoners were taken...a way cleared towards open country. In a single bound the awful bare broken slopes of Vimy Ridge, on which the French had bled to death in the thousands in 1915, was taken, the summit gained and, down through the precipitous eastern slope, the whole Douai Plain, crammed with trapped German artillery and reserves, laid open to the victors' gaze.

It is difficult for most of us to imagine the extraordinary circumstances under which Canadian troops achieved this stunning victory, but it was not difficult for our allies to recognize the importance of their accomplishment. Here are a few facts that may help us place the Canadian success in perspective.

First, it is important to remember that the Germans had held Vimy Ridge above the Douai Plain since 1914. In the three years leading up to the battle on April 9, 1917, they had managed to construct an incredible network of artillery-proof trenches and bunkers that were even serviced by electricity, telephones and a railway to provide supplies. By contrast, the Allies, including the Canadians, were subjected to incredible hardships in cold and water-filled trenches with no amenities and frequent failures of their supply lines.

Second, as Keegan makes reference, the French army had attempted and failed to take the ridge between May and November of 1915, at a cost of some 150,000 casualties. After that disaster, virtually no significant efforts had been launched to dislodge the Germans from the ridge.

It is in this context, then, that the achievement of the Canadians is even more remarkable. As many authors have pointed out, unlike the British and the French with their large and established career-based military, the four Canadian regiments assigned to the battle were essentially comprised of civilian volunteers. Yet this group of volunteers, from a much smaller country with no military tradition, accomplished in a day what others had been unable to do in more than two years.

The Battle of Vimy Ridge was all the more significant in that it was one of the most complete and decisive battles of the war. It also was the greatest Allied victory up to that time. Vimy Ridge had been a key element of the German defence system, and it had also served to protect a large area of France in which mines and factories were producing materials for the German war effort. Its loss was therefore of enormous significance to the overall campaign, and both sides knew it. It is hardly surprising, then, that both the British and the French were quick to recognize the significance of Canada's contribution at Vimy and to likewise adjust their view of Canada to one of an equal partner in the alliance.

I would like to turn now to the great significance of this event for individual Canadians. There is, of course, considerable evidence to suggest that it was not only our Allies who suddenly perceived Canada as a nation after the Battle of Vimy Ridge. Canadians, too, began to see their country as a sovereign nation, taking its place on the world stage. In part, this was due to the fact that it was here for the first time that all four Canadian divisions fought in unison on the same battlefield. This, in turn, had come about because of our steadfast refusal to allow the British to carry on with their traditional practice of breaking up Canadian formations and feeding Canadian soldiers into British divisions as reinforcements. Naturally, this allowed both Canadian soldiers and Canadians at home to identify with the various Canadian units and divisions, and to follow their exploits with particular interest.

The battle also served to highlight the military competence of Canadian commanders, who soon became household names. Although the four divisions were headed by British General Julian Byng, there were several outstanding Canadian commanders, such as General Sir Arthur Currie from Victoria, who was knighted as a result of his role at Vimy, and General George Pearkes, also a British Columbian, who later became Canada's Chief of Defence Staff. As well, four Canadians were awarded the Victoria Cross for bravery during the battle, only one of whom ultimately survived the war.

Of course, individual Canadians and families suffered considerable loss as a result of the Battle of Vimy Ridge. Some 3,578 Canadian soldiers were killed during the attack, and there were more than 10,000 casualties in all, many of which were severely disabling and often ultimately fatal.

Honourable senators, some of you may not be aware that my own province of British Columbia played a particularly significant role in both the Battle of Vimy Ridge and in the contribution of Canada during the First World War. Of the 620,000 Canadians who served with the Canadian Expeditionary Force, some 55,570 came from British Columbia, the highest per capita rate of enlistment in the country. I would also like to note that every eligible male between the ages of 20 and 35 from the Okanagan Head of the Lake Indian Band signed up for duty and served overseas with the Canadian Forces.

From the beginning of the war in 1914, when the first contingent to go overseas was comprised primarily of two British Columbia battalions, the province made an important contribution to the war effort. The 2nd Canadian Mounted Rifles from the Okanagan were quick to follow in 1915 and saw action at Ypres and the Somme in 1916. The 4th Canadian Division, which contained battalions from Westminster, the Kootenays and northern British Columbia, also saw action at the Somme. Of course, all of these units became part of the four Canadian divisions that participated at Vimy Ridge.

Finally, I would briefly like to speak about the bravery of my uncle, Howard Joseph Fitzpatrick, who, during World War I, was promoted in the field to commission rank, wounded twice in battle and awarded the Military Cross for his actions during the Battle of Cambrai. I would like to place his accomplishments on the record because, despite many efforts, I have been unable to secure the decoration that he earned but never received.

The deed of action for the Military Cross to Lieutenant Howard Joseph Fitzpatrick, gazetted in the *Military Gazette*, stated:

In the Battle of Cambrai on 27th September, 1918, and succeeding days, for great courage and devotion to duty. He led his platoon to the attack and formed a defensive flank, encountering a heavy enemy counter-attack in doing so. In

the attack on 30th September, 1918, after being somewhat badly wounded, he kept on and led his men to the attack, only going out when ordered by his superior officer.

Although this citation was published, unfortunately his medal never reached him. His last inquiry was made in a letter dated October 1920. He died a young man, undoubtedly as a result of the war, without receiving his military cross.

• (1720)

I have made requests to the Departments of National Defence and Veterans Affairs and the British High Commission to have the medal issued, but without success as they no longer issue First World War medals. I simply wanted to donate the medal to the war museum in Kelowna in his memory. Instead, I make this statement in recognition of him today.

Honourable senators, if I may, before I take my seat, I wish also to place my own father's name, Raymond Ernest Fitzpatrick, on the record. Although he was not decorated, he, too, volunteered from Kelowna for the army in 1916, and served in the trenches in Europe as a private for the duration of the war. They were all brave men who trudged through the trenches those long months in France to bring victory to the Allies.

Honourable senators, I believe all Canadians recognize the debt of gratitude we owe to the many valiant soldiers who served and died in the Great War, especially to those who participated in the Battle of Vimy Ridge. I think that it is most appropriate, as time takes from us those who actually remember and participated in these momentous events, that we create a lasting tribute to their contribution.

On motion of Senator Stratton, for Senator Atkins, debate adjourned.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration, presented in the Senate on March 20, 2003.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, the Senate wants to treat its employees not represented by a union fairly by granting them increases and social benefits comparable to those received by other unionized employees who have signed a collective agreement.

We feel that it is important to preserve the salary relativity between the Senate and the House of Commons for similar positions.

[English]

The most recent collective agreement signed with the Public Service Alliance of Canada, the Senate Protective Employees' Association and the Professional Institute of the Public Service of Canada resulted in increases of 10 to 10.5 per cent over three years, from 2001 to 2003. On April 1, 2002, unrepresented employees working for the Senate received an economic increase of 3.2 per cent and had a 2.2 per cent increment added to the top of their salary scale. This year, we recommend an economic increase of 2.8 per cent for the unrepresented employees of the Senate.

Motion agreed to and report adopted.

TWELFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration (amendment to Committee travel policy) presented in the Senate on March 20, 2003. (*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration.

She said: Honourable senators, the current travel policy for Senate committees includes the following:

Members of a travelling committee and their staff are entitled, for travel within and outside Canada, to a per diem equivalent to the Treasury Board rate or actual expenses accompanied by original receipts.

This policy was adopted in the 38th report of the Standing Senate Committee on Internal Economy, Budgets and Administration on March 29, 1990. It was adopted by the Senate on May 1, 1990.

[Translation]

The current policy does not include ceilings or restrictions, which seriously compromises accountability. Your committee recommends changing this policy as follows to make it consistent with Treasury Board policy.

[English]

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred shall be reimbursed, based on original receipts.

Such a change would improve the policy by allowing a reasonable level of flexibility, while increasing accountability.

Motion agreed to and report adopted.

[Senator Bacon]

[Translation]

STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (document entitled "Santé en français — Pour un meilleur accès à des services de santé en français"), tabled in the Senate on December 12, 2002.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I will be speaking this afternoon on the Action Plan on Official Languages unveiled on March 12 by Minister Dion and the Prime Minister. This action plan, in my opinion, is remarkable in that there are three parts essential to its success: specific goals, corresponding resources and an ongoing assessment process.

The Prime Minister, incidentally, shares this opinion since he stated that this action plan would give new momentum Canada's linguistic duality and reflect one of the fundamental values of Canada today. The populations concerned, the linguistic minorities, have also welcomed this new plan, especially since the government has guaranteed funding of \$750 million over five years.

Georges Arès, chair of the Association des communautés francophones et acadienne du Canada, stated that this action plan will produce significant results in terms of reinforcing linguistic duality and developing the francophone and Acadian communities of Canada.

[English]

This is not simply an initiative that has been acclaimed by francophones, but one that addresses the needs of minority official languages communities throughout Canada. Mr. Martin Murphy, president of the Quebec Community Group Network representing 20 English-language community organizations across Quebec, has welcomed this action plan as recognition by the Government of Canada that the English-speaking population in Quebec is facing serious problems that must be addressed. We must take advantage of the commitment of substantial resources

[Translation]

This action plan was based on three considerations: the fact that linguistic duality is a part of our heritage, that it is an asset for our future and that the federal official languages policy needs to be improved. This plan, which will be a landmark, will be carried out in three broad areas: education, a bilingual public service and the social, economic and health development of minority language communities.

I would like to refer specifically to the effects of this plan on the health of the communities involved.

(1730)

For these communities, which are often aging, health is a particular priority, especially since more than half of francophones living outside of Quebec do not have access to health care services in their language.

This is all the more serious because a recent study by Health Canada shows that linguistic barriers have a negative impact on the quality of health care.

This pernicious impact has also been confirmed by an American study published last week by Commonwealth Funds in the United States.

The action plan makes direct references to the report of the Advisory Committee on Official-Language Minority Communities, the plenipotentiaries of the Manitoba, New Brunswick and Alberta governments and senior departmental officials from Health Canada and Canadian Heritage.

The report also reiterates many of the conclusions contained in the report of the Fédération des communautés francophones et acadienne published in June 2001.

[English]

The action plan also refers to the report by the Quebec Community Groups Network. This report states in no uncertain terms that health care and social services delivery in their own language constitutes a priority for Quebec's anglophones. This is especially true for anglophones living outside greater Montreal, a population that tends to be older and more unilingual.

[Translation]

The first recommendation in the action plan deals with networking.

Given the geographical dispersion of communities and the isolation of francophone professionals, neither of which is conducive to good collaboration or a more efficient use of human resources, the advisory committee recommended community networking between the various francophone communities, francophone health professionals and health facilities.

The next recommendation deals with the crucial need for front-line care.

This, in my opinion, is the sticking point of all health service reform, regardless of language.

Linguistic minorities must do everything in their power, now that they have resources available, to ensure that bilingual multidisciplinary teams are created and assume responsibility for all health care for a given linguistic community. There is nothing more important for these groups, which are often isolated and aging.

The last recommendation in the action plan addresses health personnel training.

The advisory committee's report noted a serious shortage of professionals capable of servicing francophone communities.

It recommended the creation of a pan-Canadian consortium to train health care professionals capable of expressing themselves in French.

This national network, composed of a number of post-secondary institutions and community health care facilities, would have the mandate of following up on recruitment and training strategies for future health professionals.

I am pleased to see that this has now seen the light of day thanks to the leadership of the University of Ottawa and the University of Moncton.

These three recommendations will be implemented after consultation and in conjunction with community stakeholders; Minister Dion has made a formal commitment to this.

The Société Santé en français, which was created in December 2002, will be the spokesperson for the francophone communities. I would like to take this opportunity to pay tribute to its President, Hubert Gauthier, whose truly exceptional enthusiasm and energy have played a crucial role in what we are addressing today.

[English]

In Quebec, the Community Health and Social Services Network has stated that primary health care and the development of strong networks are top priorities for the anglophone communities. The training of health professionals for anglophones outside Montreal is, however, nowhere near the same level as it is for their minority francophone counterparts in other parts of the country.

I strongly believe that McGill University has a major responsibility for coordinating the training of health professionals for anglophones in these outlying areas in the way that the University of Ottawa and the University of Moncton has done for francophones.

[Translation]

In short, honourable senators, the action plan developed by Minister Dion follows upon the almost unanimous recommendations on health care by the various stakeholders who studied this problem.

The Standing Senate Committee on Social Affairs, Science and Technology reached the same conclusions.

In conclusion, as Minister Dion stated on March 12, the next step requires the participation of Canadians.

Minister Dion stated that:

The Government of Canada is responding to Canadians through this action plan. It is inviting them to write the next act in the fascinating adventure of our bilingual country.

On motion of Senator Pépin, debate adjourned.

[English]

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(Honourable Senator Bryden).

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to speak to and participate in the debate on the inquiry of the Honourable Senator LeBreton, calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

Jean Chrétien, Paul Martin and the Liberal government have ineptly sent people who have proved to be little more than con artists hundreds of millions of dollars in false GST refunds. Honourable senators will understand that to keep our goods competitive in foreign markets, GST is not charged on exports, and exporters get a refund on any GST that they pay. In the same way, because there is no sales tax on goods sold to status Indians, businesses selling to reserves also get their GST refunded.

The Liberals have rushed those refunds out the door without making sure that the claims are legitimate. They have written real cheques to reimburse phoney GST payments that were never made on phantom goods. Phoney sales of cars to foreign buyers and to reserves have had the highest profile, but there have been other scams involving other goods such as heavy equipment.

Until CBC news broke the story wide open in November 2002, the Liberals mainly ignored the problem, catching and prosecuting only a very small number. Only then did they promise to catch and punish the perpetrators.

The *Edmonton Journal* of November 20, 2002, put it this way:

The government was responding to a CBC report that quoted police officers saying GST rebates for retail car exports have been a cash cow for scam artists, and that the government had been warned for years that the rebates are vulnerable to fraud but has done nothing to close the loopholes.

Criminals set up phoney companies to buy and sell cars that don't exist and then invoice the federal customs and revenue agency for the automatic seven per cent GST rebate on most cars sold into the United States.

[Senator Morin]

The lost revenue is likely in the hundreds of millions, but nobody knows for sure. The *Edmonton Journal* continued:

University of Victoria economist David Giles, a specialist in the underground economy, said the loss of a billion dollars annually for "this sort of activity" would be reasonable.

The GST refund for sales to foreign countries, primarily to the U.S., was intended to keep Canadian companies competitive abroad. But because the government does not normally check the validity of the GST rebate claims, the refund is susceptible to fraud.

The government dismisses the billion-dollar figure but will not provide one of its own because it has no idea of the amounts outstanding.

It was not as if the Liberals did not know about the problem. They turned a blind eye while fraud artists worked their scams. For example, on November 20, 2002, the *Halifax Chronicle-Herald* of Nova Scotia reported as follows:

Conservative MP Bill Casey, who was an auto dealer for 18 years, said Tuesday he was approached by several dealerships for help fighting the fraud in 1998 and he brought it to the attention of Revenue Canada.

• (1740)

"They said they knew about it but were reluctant to deal with it because of pressure from other departments because it was native issues," Casey alleged. "He contacted local native groups, who also wanted the matter resolved, and several individuals were eventually prosecuted."

Former Auditor General Denis Desautels also warned the government about the problem in his 1999 report, citing this example in chapter 16 of his report:

Several individuals set up corporations and registered them for GST. The corporations then filed credit returns — the input tax credits claimed exceeded the reported GST revenue. Some of the credit returns were rejected by Revenue Canada's automated validity checks, reviewed by auditors and approved for payment. In total, over \$20 million in GST refunds was paid out to the corporations.

The filing of credit returns was not unusual given the stated nature of the corporations' business. However, in reality there were no purchases or sales, and the refund claims were fraudulent.

The fraud came to light when one of the corporations was selected for a post-payment audit. Because of the way the individuals structured the corporations' affairs, Revenue Canada has not yet identified any assets that can be used to recover the amounts paid out.

The Auditor General went on to say:

We believe that one of the best ways for Revenue Canada to deal with schemes such as this is to prevent the refund cheques from being issued in the first place.

Paul Martin did nothing to change the GST legislation to stop this, while a series of ministers at the Canada Customs and Revenue Agency failed to put in place adequate internal safeguards. Instead, in 1995, the Liberals disbanded Enforcement Services, a 40-person intelligence unit dedicated solely to GST fraud. The members of this group, which included ex-police officers and criminal investigators, were reassigned to general audit duties. While the government has now hired more auditors, it will not get back the money that has gone out the door.

CBC News of November 20, 2002, reported:

One investigator on the squad, speaking to CBC News on condition of anonymity, said the squad discovered a number of embarrassing scams, including one that had rebate cheques delivered to the Kingston penitentiary.

The Liberals were more worried about being embarrassed than they were about catching GST fraud. The report went on to say:

Internal memos suggest there was considerable opposition to the move, that some within Revenue Canada recognized a need for a centralized and specialized intelligence unit involved in enforcement and fraud detection.

Unless the new auditors the government has hired are devoted to catching fraud as it happens, or unless the rules change for rebate cheques, the only result will be more audits of the local corner grocery store while GST fraud artists continue to work their scam.

The problem is that the crooks are faster than the auditors. They set up shell companies, collect rebate cheques for a few months, and then disappear before they are caught. It never occurred to the Liberals that, if they were sending a \$10,000 monthly cheque to a post office box, something must be wrong.

As Progressive Conservative Member of Parliament Bill Casey told the CBC's *The House* on November 23, 2002:

Unless something triggers an audit, apparently normal audits on GST accounts don't happen for years. And if somebody's deliberate, they want to set up a fake company, send in a series of GST rebate forms over a year or two years, fold up the company and take off, take the money and be gone, there's no recourse.

Even when the crooks are caught, they may have already moved the money offshore or just declared bankruptcy. The result is that Ottawa cannot get its money back.

Not only did the Liberals bungle GST refund cheques, they did not bother to tell Parliament about the problem. Normally the government reports instances of theft, fraud and losses of

taxpayers' money through the Public Accounts, a detailed annual report to Parliament on the monies raised and spent by the government and of Ottawa's assets and liabilities.

Andrew McIntosh put it this way in the *National Post* of December 7, 2002:

Although federal tax officials are required by law to inform Parliament about such theft and fraud, they have failed to report either the mounting losses or the dozens of criminal cases involving GST input tax credit fraud — essentially, businesses claiming credits to which they are not entitled.

Mr. McIntosh went on to report:

Colette Gentes-Hawn, a spokeswoman for Canada Customs and Revenue, said Customs officials negotiated a deal with the treasury board that allowed them to stop reporting to Parliament the number of cases and value of its losses due to GST input tax credit fraud after 1994.

Ms. Gentes-Hawn denied officials had tried to conceal the mounting losses, arguing that the millions of dollars in losses were not really losses at all.

Because tax officials "reassessed" the tax returns of criminals and their bogus companies, and then demanded repayments of GST tax rebates fraudulently obtained, the stolen money was not actually lost.

"Instead, it merely became 'a receivable' or a debt owing," Ms. Gentes-Hawn said. "Those 'receivables' have been grouped in with other taxes owed by legitimate companies or individual taxpayers and there is no way of knowing how much has been lost or never repaid," Ms. Gentes-Hawn said.

"They didn't really belong in that spot [in the theft and fraud section of the Public Accounts] anyways because they were not losses," she said.

However, federal prosecutors, police and auditors involved in several of the larger GST fraud cases uncovered by authorities have been unable to recover most of the taxpayers' money stolen.

Ms. Gentes-Hawn said Customs officials have no way of knowing how much was never recovered. A footnote in the 1995 Public Accounts says tax officials are unable to add up losses stemming from the GST rebate frauds because Canada Customs and Revenue's own "systems in existence cannot provide the information."

In the Liberal school of creative accounting, money that you do not ever expect to see is an asset that remains on the books forever.

The irony is that Jean Chrétien and Paul Martin had led Canadians to believe that they would get rid of the GST.

The visible GST was designed to raise no more money than the hidden federal sales tax that it replaced. However, the introduction of the GST angered many voters. The Liberals exploited that anger, promising to find an alternative.

As an opposition Member of Parliament, future finance minister Paul Martin told the House of Commons on November 28, 1989, "The GST is a stupid, inept and incompetent tax." Honourable senators, I repeat, he said, "The GST is a stupid, inept and incompetent tax."

A few months later, he told Liberal leadership delegates, in a publication called *De Novo, Leadership 1990 Special Edition*, "I am committed to scrapping the GST and replacing it with an alternative."

Three years later, when he was put in a position to scrap the GST as finance minister, Paul Martin was quite content to keep it.

On September 17, 1990, Jean Chrétien told CBC *Newsweek*, "You will never see the same GST, ever, if we form the government." Ironically, on CTV's *Question Period* on September 30, 1990, Jean Chrétien was asked:

What some of the critics and some of the cynics suggest is that this has worked out very nicely for you. That Brian Mulroney can charge ahead and put in the GST.... Then, if and when you are ever Prime Minister you will have all the revenue to play with.

• (1750)

He replied by saying:

No, I say to the people that it will be my first priority, when I become Prime Minister, to have a real tax reform based on equity and fairness, and it will be done very rapidly.

He went on to say:

You know it will be done when we will be government but this tax, as is, will never be the same anymore.

Senator Lynch-Staunton: Who said that?

Senator Oliver: Jean Chrétien.

One month later, the same Jean Chrétien was quoted by the *Halifax Chronicle-Herald*, on October 22, 1990, as saying:

We could be repealing the GST altogether. It will not stay this way because it is unfair this way. Some services should never be taxed.

The 1993 Liberal Red Book *Creating Opportunity* promised to:

...replace the GST with a system that generates equivalent revenues, is fairer to consumers and to small business, minimizes disruption to small business, and promotes federal-provincial fiscal cooperation and harmonization.

Note the key words, "replace the GST."

Senator Lynch-Staunton: Who wrote that?

[Senator Oliver]

Senator Oliver: The Liberal Red Book was authored by none other than Mr. Paul Martin.

The Liberals misled Canadians. Jean Chrétien and Paul Martin not only broke their promise to get rid of the GST, but they have bungled its administration.

On motion of Senator Bryden, debate adjourned.

THE BUDGET 2003

INQUIRY—DEBATE SUSPENDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it gives me great pleasure today to rise to speak to the latest federal budget, entitled "Building the Canada We Want." It is an apt title for this budget for it sets out a strategy to benefit Canadians that is built on a solid economic foundation.

Before I discuss the budget in more detail, I would like to address some of the concerns raised by the Honourable John Lynch-Staunton, Leader of the Opposition. I understand the merits of the argument made last week by the honourable senator. Participation in the budget process by parliamentarians should be encouraged at every opportunity, but his suggestion that the other place hold public debates about the budget should be approached with some caution. The parliamentary system of government is not easily amenable to American traditions of governing, and for that I am deeply grateful because I much prefer our parliamentary system to the American system of governing.

The honourable senator is aware, and he stated an example when he referred to the 1981 budget of our former colleague the Honourable Allan MacEachen that budget debates by parliamentarians are held, albeit within the confines of caucus meetings.

Changing our current system would involve considerable effort and examination. It is a subject that I would prefer to leave with members of our National Finance Committee to study if they think the suggestion has merit. Judging by the debate that ensued after Senator Lynch-Staunton's speech, honourable senators are already engaged in discussions on this issue.

The second matter raised by the honourable senator, that of increasing media attention before the official release of the budget, is something that I am sure all honourable senators have noticed. I do not know which direction future budget releases will take. They may, indeed, become entirely open. The current system is, in my view, a balanced approach. A wide selection of groups and individuals are consulted before the drafting of any budget, and the process is open wider today than ever before.

Many discussions were held within government and with Canadians themselves to develop a consensus on how we want to shape our country. Canadians told us clearly that health care was their number one priority and that we, at the same time, must remain a financially responsible government. For that they meant, I believe, that we should not return to deficit budgeting.

Consultations were held across country and the priorities identified by Canadians were incorporated into this budget. As I rise today, I am hopeful that other senators will speak to this budget. Consultation is a key aspect of this budget, and senators will have further opportunity to discuss the direction of the budget in the coming weeks, when legislation is introduced in Parliament.

The budget implementation bill will, I understand, be tabled today or tomorrow in the House of Commons. It will progress through the stages of debate in the other place, after which it will be referred to the Senate. During the course of the writing of this budget, the government gave a great deal of consideration to past budgets and to the sacrifices that had to be made in order to restore the country to sound financial ground.

Honourable senators, we must be clear that it is not the government that has to make the sacrifices, nor was it the government that did make the sacrifices; it was the Canadian people who made those sacrifices. When we came to government in 1993 with a \$42.2-billion deficit, it was clear that sacrifices needed to be made. The 1995 program review resulted in considerable sacrifices straight across this country.

I believe that all previous budgets and all previous cuts were made in anticipation of this budget; a day on which the deficit had been eliminated; a day on which the debt was diminishing; a day on which the economy was strong; and, therefore, a day when the government had the moral authority and the clear belief of the Canadian people that it should increase spending on matters of importance to Canadians. That is why the budget is so aptly named "Building the Canada We Want."

What matters to Canadians most of all is the preservation and strengthening of our social safety net — to begin with, our health care system, but also our national security and the future of our children. This budget makes the finances of the federal government relevant to every Canadian household. It brings improvements to, and increases spending on, the issues that matter to Canadians. Thanks to prudent financial management over the past decade, we are now in a position to address more social concerns than we were previously able to do.

Unlike many of my predecessors, including those in my own political party, I have the privilege of reporting good news on our national economy. I can confirm that our country is resting on a solid financial foundation that will ensure the continuation of this prosperity into the future.

Debate suspended.

The Hon. the Speaker: Honourable senators, it being six o'clock and pursuant to the *Rules of the Senate*, I must now leave the Chair to return at 8 p.m.

The sitting of the Senate was suspended.

[Translation]

At 8 p.m., the sitting of the Senate was resumed.

APPROPRIATIONS BILL NO. 4, 2002-03

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill C-29, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003, and acquainting the Senate that they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

APPROPRIATIONS BILL NO. 1, 2003-04

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill C-30, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004, and acquainting the Senate that they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[English]

[Translation]

THE BUDGET 2003

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.—(*Honourable Senator Carstairs, P.C.*).

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I do not wish to have you sitting here late into the evening, I move the adjournment of the debate.

On motion of Senator Carstairs, debate adjourned.

BUSINESS OF THE SENATE

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe that, if it were sought, there would be consent to stand the remaining items on the Order Paper to the next sitting in the order in which they appear on the Order Paper.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, March 26, 2003, at 1:30 p.m.

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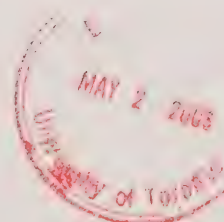
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NUMBER 44

OFFICIAL REPORT
(HANSARD)

Wednesday, March 26, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, March 26, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE BETTY KENNEDY, O.C.

TRIBUTES ON RETIREMENT

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise in the chamber to pay tribute today to a former senator who retired from the Senate in January of 2001. Unfortunately, at the time of Senator Betty Kennedy's retirement, we were unable to accommodate a tribute to her in the chamber. However, we are privileged to have her with us today, once again, for the honour of allowing us to do so.

In June 2000, Betty Kennedy was appointed to the Senate of Canada, but her long career began long before she became a parliamentarian.

Betty Kennedy is probably best known to Canadians as a panellist on Canada's longest running television program, CBC's *Front Page Challenge*, but through her long career as a journalist, she did it all. She worked as a print reporter, a radio reporter, as a television reporter and as a broadcaster. Her career as a journalist began right here in Ottawa when, as a teenager, she was a reporter for the *Ottawa Citizen*. After a strike closed down that newspaper in the 1940s, Betty made the move to radio.

In 1959, she became public affairs editor at CFRB in Toronto, one of Canada's largest radio stations. She stayed with them for 17 years and became one of Toronto's best-known media personalities and one of Toronto's best-known voices. As host of *The Betty Kennedy Show*, it is estimated that she interviewed 15,000 guests, including every Prime Minister since Louis St. Laurent. Of course, she is much too young to have interviewed the ones before that.

Betty Kennedy has received numerous honours and awards, including the Order of Canada and an induction in the Canadian Association of Broadcasters' Broadcast Hall of Fame. She also served as a director of some of Canada's largest corporations, including the Bank of Montreal, Simpson's and Northern Telecom. She served on several government advisory committees, including the Ontario Education Communications Authority, the Metro Toronto Hospital Planning Council and the Advisory Committee of the Minister of State for Finance. She was the first woman chair of the University of Western Ontario's Advisory Council and was the first non-medical member of the Physicians and Surgeons of Ontario. Between all of this, she found time to write two books.

When Betty Kennedy came to the Senate, she served on the standing Senate Committee on Social Affairs, Science and Technology. She participated in our debates on a variety of

social affairs issues, including health care and early childhood education, issues I know that are very near and dear to her heart. I know, for example by personal experience, that she constantly encouraged me in my work on behalf of those Canadians who are dying and who require quality end-of-life care.

On behalf of the Senate of Canada, I express our appreciation for your many contributions, Senator Kennedy, not the least of which is the time that you spent here with us, in this chamber.

Hon. Consiglio Di Nino: Honourable senators, I am pleased to rise today and add a few words in appreciation of Senator Betty Kennedy. Although she retired from the Senate just over two years ago, this is our first opportunity to properly thank her for her service here and to acknowledge her other considerable accomplishments.

Senator Kennedy is part of a long and proud tradition of talented, capable women in this chamber. At a time when women were not encouraged to enter public life, not to mention work outside of the home, Senator Kennedy pursued a career in broadcasting, first in print, then radio, and most notably in television, as you heard, with 30-odd years as a panellist on CBC's *Front Page Challenge*. I may add, as a Torontonians, that she had a long and distinguished career at radio station CFRB, which I still listen to all the time.

• (1340)

I would add as well, Madam Minister, that one of those 25,000 people she interviewed was myself. I thank you for that. That was the end of her career.

Honourable senators, in addition to her journalistic endeavours, she has given her time and energy to many charitable and voluntary groups. As you heard, she was the first non-medical member of the College of Physicians and Surgeons of Ontario. She has also served as honorary chair for both, the Canadian Cancer Society and the Canadian Save the Children Foundation. The senator has been justly recognized for her many undertakings, including a member of the Order of Canada, and has been inducted in the Canadian Association of Broadcasters Hall of Fame.

Honourable senators, Betty Kennedy has become a household name but, more important, she has earned countrywide respect for her standard of excellence in all of her endeavours and as an exemplary leader, not only for women but also for all Canadians. Senator Kennedy's time in this chamber was, regrettably, of short duration, for her contributions to Canadian society have been numerous and exceptional. We thank her for a lifetime of journalistic excellence and charitable work and congratulate her for her time spent here in the Senate. We wish her and her family the very best in the future.

Hon. Isobel Finnerty: Honourable senators, the name Betty Kennedy is a household word in Canada. It is a name that means excellence in television journalism. It is a name that recalls memories of one of Canada's most popular public affairs programs of all time, *Front Page Challenge*. It is a name that was associated with this chamber for a brief interval.

When Betty Kennedy was summoned here, there was oohing and awing from the media across the country. Everyone applauded the choice of Betty Kennedy. Our Canadian Constitution, however, prevented us from benefiting from her insights for very long. Alas, her appointment was too late in her life and far too brief a period.

I have heard, however, that in her post-senator life she has been busy pursuing other opportunities as a Senate booster. What a worthwhile and noble occupation for a former senator. I believe more and more Canadians are beginning to appreciate the valuable contribution being made by the Senate in the public affairs of this nation. The contribution that Betty Kennedy has been making to promote and enhance the communication of our work is greatly needed and deeply appreciated. I am delighted to join others in wishing Betty Kennedy every success in her endeavours.

Hon. J. Trevor Eyton: Honourable senators, I, too, rise to pay tribute to one of Canada's most remarkable journalism professionals and a pioneer in the television industry. I am proud to say that she has been a personal friend of mine for many years — in fact, more years than I want to confess here.

Betty Kennedy's presence graced this chamber for much too short a time, but all of us in this chamber have had the opportunity of watching this accomplished journalist on television for some 30 years, and we are better for it. It is a testament to her extensive involvement in our Canadian media that I can describe her to most Canadians, without mentioning her name, and the majority who have undoubtedly spent hours riveted by her and by her former fellow panellists recognize her instantly.

Let me set the scene. With host Fred Davis hovering above the panellists, on the far left is Gordon Sinclair wearing a wild jacket and tie; on the far right, flanking the guest panellist, sits the provocative Pierre Berton; and, in the centre of the august panel, like a rose between two thorns, sits our Betty Kennedy, adding class and compassion to the show.

Betty Kennedy remains an icon in the Canadian media, just as her television show, *Front Page Challenge*, is a symbol to Canadian television. She, along with others like June Callwood, and her predecessor, Toby Robbins, opened the gates of journalism to all women. She demonstrated the importance in the media of showing care and witty intelligence.

Honourable senators know, the Standing Senate Committee on Transport and Communications is embarking on a major multi-year study on our media and its present and future challenges. I am sure that that committee would value Betty Kennedy's wealth of experience as it delves into this complex

subject. Her print experience in the 1930s, her radio experience in the 1940s, and her television experience over nearly 3 decades, would be invaluable to this committee, and I hope she will be available.

Betty Kennedy's renowned tenacity has translated into a fervent support of Canadian media and the arts. To Betty Kennedy and to her family, I say thank you for your many contributions to Canada and to Canadians over a long and distinguished career. I am sure that, even though you retired from the Senate after much too short a time, you will continue to make significant contributions to the development of the arts in Canada. For this, Betty, we are all, forever, thankful. We are hopeful that we will continue to see you often, both in the course of our work and our play.

Hon. Raymond Setlakwe: Honourable senators, I endorse everything that has been said about my former seatmate and this great woman who was appointed to the Senate at the same time I was. It was with grace and honour that she bestowed so much pleasure and so much dignity on this place. I would like to add what I have already told her in person, namely, that she exemplifies that type of person who is an outward, visible sign of an inward, spiritual grace.

Welcome back!

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence, in our gallery of our former colleague Betty Kennedy and as well, Nick Taylor. Welcome.

Hon. Senators: Hear, hear!

SENATOR'S STATEMENTS

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID AND RECONSTRUCTION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Senate of Canada is ideally situated in our parliamentary system to be helpful in the current international crisis by the advancement of concrete suggestions as to measures Canada could undertake. Therefore, first, I should like to call upon the Government of the Canada to immediately send a field hospital unit to the Persian Gulf to provide for medical assistance to those injured as a result of the current conflict in Iraq, whether coalition forces or Iraqi civilians.

Second, I call upon the Government of Canada to immediately make a significant financial contribution to the international Red Crescent and Red Cross for their work in the Iraqi theatre.

Third, I call upon the Government of Canada to dispatch immediately a shipload of Canadian wheat to the Persian Gulf and Iraq.

Fourth, I call upon the Canadian government to dispatch potable water to the Persian Gulf and Iraq.

Fifth, I urge the Canadian government to forward shipments of other humanitarian aid forthwith.

Sixth, I call upon the Canadian government to instruct Canadian military ships in the Persian Gulf to guarantee safe passage of this aid into Iraq.

Finally, I call upon the Government of Canada to mobilize Canadian diplomats to promote motions and resolutions across the many agencies of the United Nations family to facilitate reconstruction and humanitarian development in Iraq.

Some Hon. Senators: Hear, hear!

POLICY ON WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, members in this chamber and in the other place have attempted, during Question Period, to discern Canada's foreign policy and what our goals are in these troubled times. Much has happened in the last number of months, not the least of which has been our utter abandonment of our former closest ally and friend, the threatening rupture of our trade and business with the same neighbour and now the additional abandonment of our second closest ally, Great Britain.

Our non-participation in the debate and the events leading up to the war in Iraq, both at home and in the United Nations, seems to signal a new alarming trend. We have a new pacifist inclination and have delegated our decision-making power regarding our foreign policy to the United Nations. More troubling, we have delegated to the United Nations our sovereign right to declare war. There is no one in Parliament who can seriously argue that the weapons inspectors could have entered Iraq without the presence of the American and British troops at the Kuwait border and the ships in the Persian Gulf. Except for Australians, no other government had offered troops to put more pressure on Saddam Hussein. There is no question in my mind that the presence of China, France and Russia at the border, along with the Americans, British and Australia, would have resulted in the immediate disarmament and compliance with all the United Nations resolutions. Unfortunately, the Prime Minister has been mute, only speaking up against the premier who supports the U.S. president. We must face the reality that our non-participation will be deemed to mean that we are against the British and the Americans in this war and opposed to all the other countries, some 45 in total now, who are giving moral, logistical and, in some cases, military support.

(1350)

Canada has made a significant strategic change and, I will say, a horrendous change in its foreign policy, the effects of which will be felt by all Canadians for many years to come. As near as I can tell, we are on the side of Iraq and Saddam! The Prime

Minister should call an election on this and let the voters decide who he should side with. Perhaps we could have a debate in this country.

On Monday, Foreign Affairs Minister Graham said:

We as a government are supportive of the United States desire to get rid of Saddam Hussein and to deal with the weapons of mass destruction.

Yesterday, the minister in this place said that only the Minister of Foreign Affairs and the Prime Minister spoke for the government on this issue and that she spoke for it in this place. Then, yesterday again, the Minister of Foreign Affairs said that we are now not in favour of a regime change.

The Prime Minister's office clarified that the Minister of Foreign Affairs got off track. How could he get off track on something so basic? We are either for regime change or we are not. Since the Minister of Foreign Affairs seems to no longer have the confidence of his Prime Minister, I ask for his resignation as well.

WORLD WATER DAY

Hon. Yves Morin: Honourable senators, I will not be dealing with the Iraq conflict. I wish to draw the attention of the Senate to this year's World Water Day.

We, in Canada, are blessed with an abundance of clean water. The theme of this year's World Water Day on March 22 was "Water for the Future," a reminder for each of us of the importance of maintaining and improving the quality of our drinking water. Events such as the E. coli outbreak in Walkerton have shown that we cannot take our water supply for granted. We must take steps to ensure it is clean, safe and reliable.

[Translation]

Honourable senators, the size of Canada and its topography, along with the diversity of its water supplies, makes the task a difficult and complex one. This activity therefore requires the total collaboration of municipal, provincial and federal authorities.

[English]

The Federal-Provincial-Territorial Committee on Drinking Water and the Water Quality Task Group of the Canadian Council of Ministers of the Environment have recognized the inter-relationship of health and environmental issues when it comes to Canada's drinking water supply. Together, they have developed a multi-barrier approach to safe drinking water, which looks at all the components of a drinking-water system and identifies safeguards needed to provide safe drinking water. The components include source-water protection, drinking-water treatment and distribution systems. The safeguards include managing and monitoring science-and-technology development, legislative frameworks and public involvement.

As one of the safeguards in the multi-barrier approach, research plays a critical role in safe water. Health Canada conducts research that assesses the effects of exposure to contaminants in tap and groundwater. It also conducts drinking water research that supports technology development and assesses drinking water treatment.

Many of these methods generate disinfection by-products. Dr. Frank Benoit of the Safe Environments Program at Health Canada has done research on the types and levels of disinfection by-products. Knowing the identity of these by-products is one step in ensuring safety.

Dr. Ih Chu, also of the Safe Environments Program of Health Canada, has studied the toxicity of many of the common disinfection by-products. This research will help all jurisdictions set safe drinking water standards.

[Translation]

Honourable senators, water is by far our most precious resource. You will, I am sure, join with me in congratulating the Health Canada researchers who work unceasingly to keep our drinking water safe to drink, as well as good-tasting.

[English]

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. Gerry St. Germain: Honourable senators, again I must speak on the Iraqi issue. All Canadians must understand the impact 9/11 had on the American psyche. Canadians have never had to contend with such a blow to the very heart of their nation, an unprovoked assault.

Yesterday, U.S. Ambassador Paul Cellucci blasted the Liberal government for its failure to back the United States in its war on Iraq. He stated:

There is no security threat to Canada that the United States would not be ready, willing and able to help with.

There would be no debate.

There would be no hesitation.

We would be there for Canada — part of our family.

Honourable senators, Mr. Chrétien speaks for the Canadian government, but he does not speak for all Canadians and certainly not for the majority of Canadians. Anti-war protesters claim that most in this country oppose this war. In fact, the majority of Canadians believe the U.S. is right to remove those who would kill and oppress, and they believe the UN should have authorized military action. Editorials have expressed the belief that "Most of those Canadians are troubled by the way Chrétien so cavalierly tossed aside our historic allies."

[Senator Morin]

Canadians do not believe that Mr. Bush lacks "statesmanship"; nor do they think he is a "moron" or a "bastard," as other government members believe, or as was said yesterday in this Senate, that we should "screw the Americans." This is horrific, unacceptable. The Liberal government believes it can insult the U.S. with impunity, without consequence. These personal insults and comments are uncalled for.

Honourable senators, the government has bruised a friendship, and this government will make innocent Canadians and our businesses pay for their misguided actions. The Canada-U.S. relationship is already fraught with trade disputes, uncertainty over security along the world's longest undefended border, and the cool relations between Mr. Chrétien and Mr. Bush.

Canada is already regarded by many as a haven for terrorists, an irksome source of illegal drugs and now as an unreliable ally. Canada-United States trade now tops \$450 billion a year, hugely in Canada's favour. A staggering 83 per cent of our exports go to the U.S., and 50 per cent of all jobs in our country depend directly or indirectly on those exports. Twenty-five per cent of Canada's economy is due to the auto sector. We have 50,000 auto workers producing 2-million vehicles, and we export 90 per cent of those to the U.S. Our current surplus with the U.S. — approximately \$90 billion a year — underlines the triumph of our trading relationship. Take away our foreign investment, our free trade and we would have very little left. Canada must export or die.

Honourable senators, we all know that in the arena of international business, all roads lead to the U.S. We have many bilateral issues to resolve, and the government is doing everything possible to squander our position of favour with the Americans. The Prime Minister's only abiding passion appears to be his longevity and legacy. It remains to be seen, but it may well be that the Prime Minister's legacy will be the black mark he has put on Canada-United States relations.

[Translation]

INTERNATIONAL CONVENTIONS

Hon. Gérald-A. Beaudoin: Honourable senators, the war in Iraq is in its seventh day. I am not going to ask at this point whether the war was necessary or not, because now it is on. The war is a fact.

There have been some emotionally charged debates, but I do not think that is the path we should take now. Such debates lead nowhere, while well-structured and well-aimed debates in our two legislative chambers may be useful and point out the right way to go.

We must base our stand on the major international conventions and agreements such as the Geneva Convention on the treatment of prisoners, whose numbers seem to be increasing. There are other conventions and treaties about war as well, and we are bound by them. We can take part in these debates, on both the domestic and the international levels.

(1400)

We have values to defend in this country, and we defend them well. I do not see why we could not defend them equally well in the international forum. The 20th century was a violent one, but it was also the century of charters of rights. The 21st century is starting with violence. We have a duty to create other international instruments. To quote Samuel de Champlain, the first Governor of New France: "In all things, we must preserve reason."

English

CARLETON UNIVERSITY

BAN ON DISPLAY BY SOLIDARITY FOR PALESTINIAN HUMAN RIGHTS

Hon. Marcel Prud'homme: Honourable senators, I have just received an e-mail, which I would like to share with you, from the Executive Board of Solidarity for Palestinian Human Rights: Carleton University. It reads:

Dear Solidarity for Palestinian Human Rights Members and Supporters,

Solidarity for Palestinian Human Rights has just received disturbing information that the different bodies within the University community are trying to prevent the Solidarity for Palestinian Human Rights from having its exhibition entitled "Carleton Under Occupation" this Thursday (March 27, 2003) in Baker's Lounge. The reason given, NONE! Basically, the university feels that it would not be 'appropriate' to have this display. SPHR is not breaking any laws or policies within the University, and uses credible sources for its information. More importantly, Carleton students have the choice not to see this display while Palestinians living under Israeli Occupation do NOT have the choice of avoiding the brutal Occupation. This is obviously a breach to Solidarity for Palestinian Human Rights freedom of expression and the freedom of choice. To make matters worse, campus security will be present under the pretext of Solidarity for Palestinian Human Rights safety. This is undeniably a racist and discriminatory practice by the University to hinder our efforts as a club recognized by the Carleton University Student Association.

For these reasons, it is of utmost importance to be present at the event tomorrow and show solidarity with the Palestinian people living under Occupation.

In Solidarity,

Solidarity for Palestinian Human Rights: Carleton University.

Executive board.

QUESTION PERIOD

FOREIGN AFFAIRS

POLICY ON WAR WITH IRAQ

Hon. A. Raynell Andreychuk: Honourable senators, during the tenure of Lloyd Axworthy as Minister of Foreign Affairs, the Liberal government put in place a doctrine of human security within the ambit of foreign policy. In fact, it was used to enter Kosovo when the security of its citizens was threatened by forces within their government, most notably terrorist groups and radical groups that were destabilizing Kosovo in the former Yugoslavia.

I understand that today, information is coming out of Basra that indicates its citizens are fighting. It is alleged that those citizens are some of the elite guards of Saddam in active combat with civilians, and that the Americans have been engaged in fighting outside Basra.

From the information being received, it appears that we are on the brink of, not an engagement between certain allies and Saddam's forces, but on the brink of a civil war. If that is the case, will the Canadian position on entering this conflict change?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question this afternoon, which is clearly based on some stories that are coming out. However, as the honourable senator well knows, the stories are comprised of "alleged" information. There are certain allegations about what is happening in and around Basra. Until such time as we have concrete information, there will be no discussion of a change in Canada's position on the conflict.

Senator Andreychuk: It would appear that independent sources are indicating that civilians are vulnerable to brutality within the ambit of two groups: an elite guard under the strict control of Saddam Hussein and active citizens who are attempting to break out and who are also vulnerable.

Would the government consider a reassessment of our situation? We would not want to see civilians brutalized. We do not want to stand back and watch the count. Would we not, in some way, work on a policy so that, should that be about to happen, we would reconsider our position in order to help avert a civilian disaster?

Senator Carstairs: With the greatest of respect to the honourable senator, all of the civilians in Iraq are vulnerable at the present time because they are in a state of war. They are all being exposed to bombing. They are being exposed to attack. Any independent authority would find it extremely difficult to determine exactly what is currently happening in Iraq. Beyond that, I will not address a hypothetical question.

Senator Andreychuk: Honourable senators, my concern relates to the fact that, in a conflict, civilians are vulnerable. The allies have continued to assure both the outside community and the Iraqis that they will minimize the effects of war on civilians. For some of us that is not acceptable. It is certainly unacceptable for most Canadians on both sides of this issue if civilians are turning on civilians and if, indeed, certain of those civilians are part of an elite guard. That changes the situation dramatically.

I am appealing to the Canadian government to reassess its position carefully in respect of whether Canada should join the coalition and whether Canada should prepare some immediate humanitarian assistance to alleviate the situation.

The UN is in the process of debating a resolution on sanctions. It seems that we could take an assertive role in this debate and suggest to the United Nations that it go beyond the resolutions requested by the Arab League because the humanitarian situation has changed. Supplies are not reaching those increasing numbers of people who are becoming more vulnerable. I do not think that Canadians want to stand by without at least some renewed commitment on the humanitarian level or on the political level.

Senator Carstairs: Yesterday, I carefully and at some length outlined, for the honourable senator, exactly what the Canadian government is doing, in its ongoing negotiations with the United Nations, to provide the greatest amount of help and support. The coalition troops in Iraq are currently doing their utmost to avoid civilian casualties. Having said that, anyone watching television can see, on a daily basis, that there are innocent victims of this war, just as there are innocent victims of all wars.

• (1410)

Hon. Consiglio Di Nino: Honourable senators, Senator Tkachuk stole some of my thunder, but I hope not all of it. I wanted to refer to the comments made by the Honourable Leader of the Government in the Senate, yesterday, in response to a question asked by Senator St. Germain, about who speaks on behalf of the government on the issue of Iraq. I do not want to quote, but basically she said, first, the Minister of Foreign Affairs, then the Prime Minister and then, in this chamber, herself. Obviously, we now know that the Minister of Foreign Affairs does not speak unless he is told to speak a certain line, since he had to change his mind this morning.

Honourable senators, yesterday, in this chamber the Leader of the Government in the Senate stated that it is not the right of any country, including Canada, to change the regime of another country, but that it is up to the people of that country. Saddam Hussein has been in power since 1979. He holds every lever of power and runs a brutal, unrelenting dictatorship backed by a military that easily outguns any domestic opponents. The least sign of resistance to his rule has been brutally put down. Torture and rape are routine. He has even killed his own family members when he felt threatened by them.

Could the Leader of the Government in the Senate please tell us what is her government's strategy to help the people of Iraq change the regime of Saddam Hussein without them getting massacred in the process?

Senator Carstairs: First, let me begin with the honourable senator's preamble. Clearly, the Prime Minister speaks first and foremost for the Government of Canada and, in this instance, for the people of Canada, since the people of Canada very clearly support what the Prime Minister is doing.

As to the issue of regime change, the statement that I made yesterday is clearly the statement of the Canadian government. We do not believe that we have the right as Canadians, nor does any other group of people, to change the government of another country. That is a right of the people themselves.

I would put the question in reverse to the honourable senator: If it is acceptable, in his view, that we change the regime in Iraq, in what other countries does he think we should take out the regimes?

Senator Di Nino: For now, I guess I should continue to ask the questions.

Honourable senators, yesterday, in the other place, Defence Minister McCallum stated that Canada would not bring home the 31 Canadian soldiers serving with the British and American troops because, at best, we would be offending our allies. If the comments of U.S. Ambassador Paul Cellucci, as reported in the papers today, are any indication, that horse has long left the barn. The Leader of the Government has read those remarks, I am sure, so I will not repeat them other than to say that disappointment over Canada's stand, according to Ambassador Cellucci, goes as high as the U.S. President and that there will be repercussions. How do we square the circle? Madam Minister, how can you or the government take the stance regarding the recall of the 31 soldiers in order not to offend our allies, when our whole policy position on the war in Iraq has obviously been a huge offence to them? We have it from the horse's mouth.

Senator Carstairs: The comments that were made yesterday by the American Ambassador to Canada quite frankly reflected his disappointment that the Government of Canada had not joined with the United States and others in the war against Iraq. We understand that they would be disappointed because we have been friends so often in the past. What other country has participated with the United States so often? What other country opened its entire nation for three days and beyond after the disaster on September 11? What about all those planes from all over the world that were supposed to fly into American airspace? We said, "No, we will take them into Canadian airspace." We did not know what was on those planes, but we said we would do it because it was in the interests of our friends and neighbours. They are still our friends and neighbours.

I would turn the attention of honourable senators to the one quote of Mr. Cellucci yesterday that did not receive a great deal of publicity, which is the following: "Canada remains a crucial partner in this global war on terrorism, and we are grateful for that."

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. Consiglio Di Nino: Honourable senators, yesterday, the C.D. Howe Institute issued a report that outlined the central role that the United States will play in Canada's economic future at a time when Canada's stance on the war has sent our relations with the U.S. to its lowest level since 1960. This is their report, not my words. Madam Minister, what is your government doing to repair the damage that has been done by the stance that we have taken on this issue?

Hon. Sharon Carstairs (Leader of the Government): First, I do not believe there has been great damage done to the relationship between Canada and the United States. Let me give my honourable friend another quote of Mr. Cellucci, which, of course, is not getting much coverage in the media today: "This is a beautiful land, good decent people, and I am very proud to represent the President of the people of the United States here in Canada." There is still a firm relationship between our two nations, a firm relationship that will continue despite the fact that, as a sovereign nation, we have made a different decision than they have.

Hon. Douglas Roche: Honourable senators, will the government respond to Ambassador Cellucci, perhaps in an official manner, using the forms of diplomacy, to make clear to the United States that Canada took a principled position on the question of war with Iraq and that Canada's long-standing good relations with the U.S. are not impaired? In other words, will it say that Canada does not need to go to war to exhibit its friendship with the U.S.?

Senator Carstairs: I thank the honourable senator for that question. It is very clear that the United States President and the Canadian Prime Minister have talked about this issue. The President of the United States is well aware of what the Canadian position has been from the beginning of the discussions about this situation, and he will continue to be made aware by the Prime Minister of Canada that we are a sovereign nation and therefore have a right to our own foreign policy.

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Douglas Roche: Honourable senators, yesterday, the minister said in the Senate that Canada would spend \$5.6 million in aid for Iraq. I took that to mean an immediate infusion of funds for this humanitarian crisis. Could the minister tell the Senate where that money will come from and give us the assurance that it will not be taken from ongoing programs that UNICEF is running in developing countries?

Hon. Sharon Carstairs (Leader of the Government): That money has already been sent, I understand, to the United Nations. It was very clearly not for programming but for the planning of the programming, which will now have to be put in place. This will not be our last donation to the United Nations in order to be there for the people of Iraq in terms of humanitarian aid.

My understanding is that the money comes from discretionary funding, which was not specifically assigned to other program budgeting lines.

Translation]

NUMBER OF CANADIAN CITIZENS IN IRAQ

Hon. Jean-Claude Rivest: Honourable senators, there are currently Canadians in Baghdad and other Iraqi cities who are working within community groups in order to help civilians. Could the government tell us what effort Canada is making during this war to contribute to international agencies such as the Red Cross? How many Canadians are currently on Iraqi soil, whether individually or as part of agencies that are assisting the victims of the war?

[English]

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator would know, I would not have the exact number available of Canadians in Iraq. All Canadians were asked to leave Iraq prior to the beginning of the hostilities. Some of them chose not to leave. For example, the son of the Minister of Foreign Affairs is there as a reporter. We know also that Sacha Trudeau is there as a filmmaker. As to other Canadians who are in Iraq, working for NGOs or the like or even peace activists who have indicated that they would not leave the country, I cannot give an accurate number. I can certainly try to obtain that number for him.

• (1420)

As to the second part of the honourable senator's question, this week both the Red Crescent and the Red Cross have made specific requests of the Government of Canada, which are under consideration at this time.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. Pierre Claude Nolin: Honourable senators, I wish to go back to the answer the Leader of the Government gave to Senator Di Nino concerning the statement made by Ambassador Cellucci.

Is it the interpretation or opinion of your government that the ambassador was speaking on his own behalf or was he expressing the view of his President and government?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think it is fair to say that when an ambassador speaks, as the ambassador chose to speak yesterday, it would be interpreted that he was speaking on behalf of his government and not on his own behalf. If he was speaking on his own behalf, I would think that he might well be recalled by the government.

JUSTICE

FIREARMS CONTROL PROGRAM—BORDER CONTROL PROCEDURES—DEPARTMENTS INVOLVED IN IMPLEMENTATION

Hon. Gerald J. Comeau: Honourable senators, the Minister of Justice issued a firearms program information paper that lists border control procedures as one of the elements of the Firearms Control Program to which his department allocated a significant amount of funding. Reference was also made to the September 11 control procedures.

We know that the Department of Justice does not have officials standing guard at border crossings. Therefore, these measures must have been implemented by other departments, most likely the Canada Customs and Revenue Agency or another department of government.

Could the Leader of the Government in the Senate inform us as to what specific measures the Minister of Justice was referring to, which were taken with regard to border control procedures by the Department of Justice, and what other government departments did it use in the implementation of such border control procedures?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, one of the issues that has been of concern to the Canadian government for many decades, not just this past one, has been the passage across our border of weapons which, frankly, are not allowed into our country. I am referring to weapons that are illegal in our country. That is one of the issues dealt with in these border control procedures.

Senator Comeau: Honourable senators, I do not think that answers my question. My question was: What other departments are being utilized as implementation agencies along with the Department of Justice? If the procedures from the current Firearms Control Program are being implemented then, obviously, some other departments are implementing those control procedures.

Senator Carstairs: Honourable senators, as to the specifics of what departments are involved, I will have to get back to the honourable senator. However, I think it would be reasonable to assume that the immigration authorities, those who deal with the examination of luggage as it comes across the border, would be involved. I cannot give the honourable senator anything further than that. I will seek out an answer for him.

Senator Comeau: Honourable senators, given that it appears that the Leader of the Government in the Senate is not completely aware of the control procedures, she might want to obtain an answer for my following supplementary question.

What I want to know is the cost incurred by those other departments for border control procedures relating to the Firearms Control Program, as noted by the Minister of Justice. Was that cost included in the \$788 million spent to date? If not, could the minister find out how much other departments spent to implement those control measures so that we can keep a running tally of the long rifle implementation program?

Senator Carstairs: The honourable senator asked for some specifics yesterday. I will add the questions that he asked today, to my inquiries.

Generally speaking, when a government agency provides a service for another agency, it is charged back to the agency which makes the request. I would take from that, that any expenditures would be found in the Department of Justice and not in the department that is providing the service.

MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—FEDERAL COURT DECISION— RESULTING AGREEMENT

Hon. Jean-Robert Gauthier: Honourable senators, my question to the Leader of the Government in the Senate deals with the Federal Court's judgment in the case of the Contraventions Act. I gave notice of my question to the leader last week.

Honourable senators will recall that I raised this matter several times in the Senate. The purpose of my inquiry is to ensure that there is full compliance with the Official Languages Act.

The Contraventions Act, as amended in 1966, allows the federal government to make regulations enabling a province or a territory to issue tickets and prosecute infractions under their own procedures on federal lands. Through an oversight, Justice Canada failed to tell the provinces that the Official Languages Act applied to these agreements, and that subsequent agreements must adequately and completely protect the language rights of all Canadians.

In 2001, the Federal Court allowed a year to conclude an agreement. Justice Canada asked for and obtained a delay of an additional year. The deadline was March 23, last Sunday.

Can the minister tell the Senate whether an agreement has been signed and whether she will be able to table this document at the earliest opportunity?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, since I recognize that this is an issue for which the honourable senator has great concern because he has raised it a number of times, I am pleased to inform him that, at the end of February 2003, the Government of Canada concluded an agreement in principle with the Ministry of the Attorney General of Ontario concerning the implementation of the Contraventions Act in that province. That complies with the Federal Court decision. The actual agreement will be signed today.

I am also pleased to report that the Office of the Commissioner of Official Languages and the Association des juristes d'expression française de l'Ontario were consulted during the negotiating process and are satisfied with the terms of the agreement.

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— ACTIONS TO PREVENT SPREADING

Hon. Terry Stratton: Honourable senators, my question deals with the outbreak in Canada of the disease known as SARS, or severe acute respiratory syndrome. In particular, the situation in Ontario seems to be getting much worse. There are now 48 suspected or probable cases reported in that province. Some 25 health care workers from Scarborough General Hospital along with their families have been quarantined in their homes and the hospital has been closed. A school in Scarborough has also been closed until next week as three young children there have shown symptoms of the disease.

The numbers are also growing globally. As of today, there are 487 reported cases, including 17 deaths.

With such a deadly disease spreading rapidly around the world, one that has symptoms similar to the common flu or regular pneumonia, it is imperative that Health Canada give as much information as it can to physicians, not just in Ontario but across the country. Could the Leader of the Government in the Senate tell us if local public health authorities across Canada have been issued warnings by Health Canada as to what symptoms to look for in patients or how to treat the disease?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for this question because it is a very important one, and one that is impacting, unfortunately and tragically, on more and more Canadians.

Since the level 4 lab is located in his and my city, the honourable senator will know that there is unprecedented effort going on there, in some cases 24 hours a day, to try to find the cause of this disease. Researchers are working with their level 4 lab partners throughout the world, who are doing the same kind of investigatory work. Health Canada is working very closely with the public health community, and advisories of the type the honourable senator has requested have been sent out.

We are also working around the clock to keep the media, as well as the public, informed, to give advice about travel, to answer the public's questions, and to ensure that any cases are quickly identified and treated.

As I think the honourable senator knows, there are now health officers at both Vancouver and Toronto airports where international flights from Asia arrive. Apparently, over the weekend, the passengers on one flight were examined before they boarded the plane. By the time they got off, one passenger appeared to have the symptoms of this disease. He and other passengers who travelled in close proximity to him were quarantined.

The remaining passengers were kept apart until they could be examined. They were then released, with specific information as to what they should do, should any of the symptoms develop.

• (1430)

Senator Stratton: Honourable senators, are any of the other passengers on the flight taken by the Canadian who originally brought the disease here, showing symptoms of the disease? Is the government checking those passengers in that regard?

Senator Carstairs: The information I have is that, in any instance in which an individual was identified as having been on a flight, all the other people on that flight have been contacted and informed of the situation, made aware of all the symptoms and given express advice as to what they should do.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is my honour to table responses to oral questions raised on February 13, 2003, by the Honourable Senator Stratton, regarding legislation to combat cyber crime and the status of health protection legislation.

JUSTICE

LEGISLATION TO COMBAT CYBER CRIME

(Response to question raised by Hon. Terry Stratton on February 13, 2003)

Public safety and security is a responsibility this government takes seriously. The Government is working closely with the United States and other allies within the G8

and the Council of Europe to fight cross-border crime, transnational organized crime and terrorism. In this context, the Government is conducting a legislative and policy review regarding lawful access to communications by law enforcement and national security agencies.

The public consultation process on this initiative was launched in August 2002. More than 300 submissions have been received. These contributions and others which will likely be received during this process, will assist the government in developing a strategy to provide all players in the criminal justice system with the tools they need to prevent, investigate and prosecute serious offences, including threats to the security of Canada. The challenge in introducing legislation on lawful access will be to ensure that privacy and human rights are protected and that a balance is maintained between the legitimate needs of law enforcement with the needs for a competitive and innovative telecommunications industry.

HEALTH

STATUS OF LEGISLATION PROPOSALS

(Response to question raised by Hon. Terry Stratton on February 13, 2003)

Health Legislation

As outlined in the Speech from the Throne, the Government of Canada is committed to renewal of health protection legislation.

The government will modernize and strengthen the legislation aimed at addressing health risks, to ensure that we have at our disposal the legal instruments needed to help protect the health and safety of Canadians.

The next step in the process will be to consult with all interested parties, on a proposal for a new Act that could replace existing statutes such as the Food and Drugs Act, the Hazardous Products Act and the Quarantine Act.

The next round of consultation will be launched in the months ahead and all interested parties will have an opportunity to present their point of view on these important issues to guide the development of the new health protection legislation.

[English]

POINT OF ORDER

The Hon. the Speaker: Honourable senators, before going to Orders of the Day, Senator LaPierre has asked for the floor on a matter of order.

Hon. Laurier L. LaPierre: Honourable senator, there are two statements attributed to me in the Hansard of yesterday, March 25, 2003, on page 1002. The first statement should read, "So did the Americans," and I ask that the record be corrected.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I will ask one more time for clarification.

Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear some saying "no." Leave must be given without a dissenting voice. Accordingly, I must advise Senator LaPierre that leave has not been granted to change the record.

Senator LaPierre: Will you ask again, please?

The Hon. the Speaker: I will, at your request, ask the question again.

Is everyone clear on what is being asked?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, this is, I think, the usual time when we ask for agreement to correct the record when the official report, the *Debates of the Senate*, does not represent exactly what an honourable senator has said, as is the case here.

After the honourable senator listened to the tape, which is available for us to listen to, he told us that the words attributed to him on the page in question were not his. The honourable senator has just told us what he said yesterday. This is not what appears in the official record, the *Debates of the Senate*.

Given the current situation, I believe that we must pay careful attention to such comments, particularly when those comments were not made and certain senators are accused of sometimes speaking too openly about the current situation. In this case, the Honourable Senator LaPierre is certainly entitled to ask that the record be corrected so that his words are faithfully represented and that comments that could be very offensive to numerous people, as well as our friends to the South, not be left in the official report, the *Debates of the Senate*.

[English]

Hon. Terry Stratton: Honourable senators, I agree with Senator Robichaud with respect to this matter, but clearly this is what the senator said, as was heard by members on this side.

Second, if this were the first or second time that the senator had stood up to retract statements made in this chamber, that would be acceptable. However, this is the fifth or sixth time that the senator has changed his mind the day after making a statement.

As senators are aware, earlier in his career in this chamber, I called the senator to task on more than one occasion for offensive language.

When senators speak in this chamber, they must be aware of what they are saying, in order that we do not continue to have this kind of problem. Senators must think before they speak, because once the words are out of a senator's mouth, they are on the record, and we must be held to account for what we say, for the sake of decorum in this chamber.

[Translation]

Senator Robichaud: Honourable senators, I agree to a certain extent with what the Honourable Senator Stratton has just said, which is that, in terms of everything said in this place, each of us is responsible for what we say. I am in agreement here.

I have a problem with his statement that sometimes things get said that must be withdrawn. I agree that we must avoid such situations. We should not be prejudiced because this might have happened once or twice already. I am not making any judgements about when this happened. We must not let prejudice be our guide, in allowing a senator to ensure that the official record, the *Debates of the Senate*, represents exactly what he has said. Prejudice must not prevent us from clearly seeing the situation at hand.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is unfortunate that, under the terrible circumstances in which the world finds itself, and as Canadians are trying to work their own way through the situation, we have had less than custody of the tongue demonstrated by senior members of the government. It is incumbent upon us all to be very careful in the choice of our words, because none of us know the future. None of us know how the terrible tragedy being faced by the world today will conclude.

We do know that there are young men and women from the United States, the United Kingdom, Australia, Poland and other countries, as well as hundreds of thousands of Iraqis, who are in life or death situations. Therefore, it is particularly incumbent upon us to be very prudent and judicious in our language.

There is a custom in Parliament for honourable senators to bring corrections to the record if there are errors. However, honourable senators, the Honourable Senator LaPierre said that he did not say "Screw the Americans," but rather "So did the Americans." I believe that is the correction to the record that he is seeking.

I went back and read the context of the remarks. "So did the Americans" would not make sense in the context of the statement that Senator Buchanan was making or of what Senator Buchanan said subsequently.

The French Hansard does not say "Aussi les Américains"; it says "Que le diable emporte les Américains!"

• (1440)

Honourable senators, in terms of truth, the record demonstrates that what was said, unfortunately, was said. That is all I have to say.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Honourable Senator Kinsella indicates that "So did the Americans" would not fit into the body of what was said yesterday. I must dispute that in most uncertain terms.

I did not hear the honourable senator. There are others here who I am sure did. The record reads.

However, we do not have the wherewithal to defend ourselves, and we all know that. Who will protect us? Will France, Germany, or Russia, who has provided weapons to Saddam Hussein —

The honourable senator replied, "So did the Americans." It is a well-known historical fact that the Americans provided weapons over the years to Saddam Hussein. They provided them prior to war with Iran. It would be an entirely appropriate thing historically for the honourable senator to have said, "So did Americans."

Therefore, I do not think that is the basis upon which the debate can proceed.

Honourable senators, there is, however, an issue upon which I totally agree with the honourable senator opposite and which I will put in the clearest possible terms. It is important for every single Canadian to be very conscious of the lives being lost in the war that is taking place in Iraq. It does none of us any justice or value to be less than temperate in our comments about anyone at this particular point in time.

I would urge all of us, at all times, to use only positive language when we are in discussions on this particular issue.

[Translation]

Hon. Pierre-Claude Nolin: Honourable senators, first, the reason you are asking our consent to change the text in the *Debates of the Senate* — and correct me if I am wrong — is that senators may always ask that what they believe they said be reflected faithfully. When a senator notices that what is written does not correspond at all to what he said, he asks for the permission of the Senate to correct the text.

It is up to the Chair to ask senators if they agree. Some senators may have heard what is on the record. Someone may reflect on his comments with hindsight and wish to make corrections, or wish that he had never said those comments. That is what the Government Leader in the Senate is trying to explain. Nevertheless, the *Debates of the Senate* should reflect word for word what was said in the chamber.

Second, the exchange took place in English and the French version does not correspond to the original version. They do not say the same thing at all. There is a degree of rejection in the original English version that does not exist in the French. His Honour the Speaker will have to decide. I submit that the French version is less intense than the English version.

[English]

Hon. Gerry St. Germain: Honourable senators, I do not know what the honourable senator said. I only read that which is in Hansard. However, it would be a very dangerous precedent if we could change what we said on the basis of a situation. Therefore, I would caution all senators in what they say in this place.

I take offence to the lecture from the government side asking us to refrain from any statements that are derogatory in regard to this particular situation. Government supporters are responsible for this discussion. If anything, we on this side have been extremely cautious with what we have said and how we have conducted ourselves. I would urge the government to look within its own house rather than at the entire house.

Some Hon. Senators: Hear, hear.

Hon. Bill Rompkey: Honourable senators, Senator St. Germain says it would be unfortunate if people could change what they said in Hansard. It would be worse if other people could change what you said in Hansard.

What you say is up to you. This is a chamber of honour. These are honourable senators. Senator LaPierre has said what he said. It is up to us, as honourable senators, to accept that and to reflect that.

We have all been through this procedure. I have never had challenged a sentence in Hansard when I wanted to correct it. Over the years, I have corrected Hansard many times. I have never had a challenge. I submit that the honourable senator should not be challenged today.

There is an old saying: "There is so much good in the worst of us and so much bad in the best of us, that it does not behoove any of us to talk about the rest of us."

Honourable senators should accept that which Senator LaPierre has said.

Some Hon. Senators: Hear, hear!

Hon. Anne C. Cools: Honourable senators, I have been listening with some care. I must admit that I am somewhat confused as to the proceeding before us. Are we on a point of order or are we having a debate on a request for leave of unanimous consent? If we are having a debate on a request for leave for unanimous consent, it is surely unprecedented. I have never heard of such a debate.

On the other hand, perhaps we are debating a point of order as to whether the Speaker of the Senate can unilaterally overrule the decision made a few minutes ago, which was to deny leave. I heard the Speaker repeat that leave was denied. I do not understand the process of a point of order to overcome two clear indications made by this chamber to deny leave. Something is odd here.

It is equally interesting to see the leadership on the government side jumping in to rescue a senator. That is something that is even more rare in this place. Therefore, I am very curious as to why that is happening.

I wonder, if I had made a similar mistake, whether the leaders on the government side would be on their feet to defend me. I am very curious.

The substance of the issue is the question of correcting a mistake versus the phenomenon of altering the record. It seems to me that if a senator has made a mistake, or the reporter genuinely made a mistake as they took the record and transcribed it, it should be corrected without any fuss. A genuine correction usually is done without any fuss. Recorders and reporters make mistakes from time to time. To my mind, a senator should be able to correct that mistake without fuss.

The real question before us is not whether a mistake is being corrected or not. At issue is whether Senator LaPierre actually made that statement. The issue has become not an issue of error. It has become an issue of what was said and, unfortunately, of Senator LaPierre's credibility. No senator should have his or her integrity questioned in this way.

• (1450)

Let me say that no one should believe for a moment that I am defending Senator LaPierre, because I have often found myself the butt of many of his brutal attacks. We need to pause for a few minutes. Perhaps some of us, myself included, could make it our business to go and listen to the recording of the record yesterday to see exactly what was said. I will tell you, if the situation is as Senator LaPierre right now is articulating and that it is not what he actually said, I will be the first to get up and say we should correct that record. If we listen to the record and we can hear that Senator LaPierre said what is reported here, I would not agree to granting him such a correction. There is a difference between correcting the record and altering the record.

Senator LeBreton: That is right.

Senator Cools: Unfortunately, that has become the substantive issue. Perhaps Senator LaPierre could clarify for us again, because his introductory statement of a few minutes ago has now grown thin in people's memories. Perhaps we can clarify what he actually did say.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I have been in Parliament for 40 years now: 30 years in the House of Commons

[Senator Cools]

and 10 years in the Senate. We have traditions in parliament. If these words were spoken yesterday, I do not understand why those who heard them did not object to them yesterday.

[English]

I find it bizarre that today it is in print. Today, I had a very long exchange with Mr. Aubry from the *Ottawa Citizen* or some other newspaper on this issue.

First, I did not hear anything here. However, my difficulty is that even if Senator LaPierre said yesterday what he is supposed to have said, according to the record, I am surprised that no one immediately stood up on a point of order. They let it go. It is today, now, that we see the fuss.

I do not understand. I would have wished that those honourable senators would have rose yesterday and not make the point today. Now he is perceived as a gentleman who wants to change words that he may or not have pronounced. I do not think he did it. He may have done it away from this side and we did not hear the exchange. If he had done it in my presence yesterday, I would have objected right away. It is on the first occasion you have that you object. There is a longer tradition also that this chamber, more than the other house, is a chamber of ladies and gentlemen. Regardless of how many times some people may have said things in the past, when any gentleman or lady gets up in the house and says, "here is what I said yesterday," it is a long-time British tradition to take the word of that lady or gentleman of this chamber. I think we should accept that, until further notice. Senator Cools says she will go to check the record, but I will not.

According to the record, on page 1024, I said "cacophony." I could not have said that, but there is a word missing. I have a bad habit. I talk much like my dear friend Senator Buchanan, but I do not rush to correct my blues all the time. It is painful enough to pronounce speeches without having to correct the blues. I did correct them and it looked funny, when I read it a moment ago, what I am perceived to have said yesterday. I will not ask for correction. I will live with a stupid statement, if you take what I said, yesterday, at face value.

Honourable senators, we have to take the word of a gentleman or a lady in this chamber. Also, it is at the first moment that you should object, not when you see it.

If it would not have been reported, that means some gentlemen and ladies here who may have heard Senator LaPierre say something would accept that kind of language. If they heard it, I would have liked them to get up right away. I have no one in mind. I am not hinting at any of my colleagues on that side. We are too far away here.

I find it strange that we are having this long a debate. When the honourable gentleman got up, he said I want this to be corrected, meaning he did not say that. We should leave it there.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I did not read *Hansard* for March 25. I go by what goes on in this chamber. I would like to rise on a point of order and at that same time call upon Senator LaPierre. He could facilitate a solution if he said he regretted his excessive language. I do not know if his language was excessive. If he seeks to correct *Hansard*, that is something else. Either it was wrong, or it was not. I am not a judge of these things. There are tapes that can be checked. If the honourable senator repents the use of excessive language, there is an easy way to express regret. It is a matter of rising and saying: "Honourable senators, I regret that I got carried away yesterday, and ought not to have said what I did." His apologies would be accepted and that would be the end of it.

Hon. Jean Lapointe: Honourable senators, yesterday I was in Senator Setlakwe's seat when the others were speaking. At no time did I hear the words Senator LaPierre is accused of saying. I did not read *Hansard*. The only correction I do wish to see is that Senator Prud'homme called me Senator LaPierre. If that is in *Hansard* tomorrow, I shall ask that it be corrected.

I was sitting beside Senator LaPierre and we often spoke to each other. I do not always agree with Senator LaPierre. However, our discussions are always marked by mutual respect. I never heard the words he is accused of saying.

[English]

The Hon. the Speaker: I will conclude the interventions on this point of order with an offer to Senator LaPierre.

[Translation]

Senator LaPierre: I have taken careful note of what everyone has said. I thank you for your well-expressed opinions.

[English]

I have spent 50 years in public life and I have used excessive language often, but I have always apologized when I went beyond the board, which is more than people have done for me in 50 years of public life.

I would like to inform you that I have a son who lives in the United States, a granddaughter who is a Jewish American and a daughter-in-law and I certainly would not say that they be screwed. It is not a word in my vocabulary. I use other kinds of language, but not this one.

In the context in which I made the remark, it had to do with France and other countries arming the Iraqis, and I said, "So did the Americans." I did say that and we would have corrected it, had the blues come to us.

• (1500)

I am told that, generally, when there is something controversial in the blues, even though it is short, it is sent to the member to verify whether he or she said it. The blues were not sent to my office.

An Honourable Senator: Oh, oh.

Senator LaPierre: Honourable senators, I did not interrupt anyone but I am sometimes accused of interrupting people. Perhaps the honourable senator should have the good grace to keep quiet, since I am not interrupting her now.

Senator LeBreton: That is not to say that you have not in the past.

Senator LaPierre: Honourable senators, I have nothing to say since, obviously, I have no honour. I will have to speak to the Prime Minister to determine whether or not I should resign.

The Hon. the Speaker: This point of order touches on important matters: The integrity of our *Hansard*, and the right of a member to be properly quoted in *Hansard*. There are authorities. I have heard a great deal from senators. I believe that the proper course of action is for me to take this matter under consideration and to bring back a ruling on the point of order as soon as possible.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, before proceeding to Orders of the Day, I would like to make the following proposal.

With leave of the Senate and notwithstanding rule 58(1)(a), I move:

That all Senate Committees scheduled to sit after 3:30 p.m. today have power to sit while the Senate is sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the opposition is in complete agreement.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

Senator Robichaud: Honourable senators, in the Orders of the Day, Government Business, under Bills, I would like us first to proceed with Item No. 4, next move on to Item No. 5 and then go back to the order listed on the Order Paper.

[English]

ORDERS OF THE DAY

APPROPRIATION BILL NO. 4, 2002-03

SECOND READING—DEBATE SUSPENDED

Hon. Joseph A. Day moved the second reading of Bill C-29, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2003.

He said: Before beginning the formal part of my remarks, I wish to remind honourable senators of the special procedure with respect to supply bills. I am about to speak on second reading of Bill C-29, which relates to Supplementary Estimates (B), the final Supplementary Estimates for this fiscal year that ends on Monday next. We will proceed to third reading of the bill on the day following second reading. We will not ask that the bill be referred to committee.

Honourable senators will recall yesterday that Senator Murray filed various committee reports. I would draw your attention to two of those reports. The first is the Third Report of the Standing Senate Committee on National Finance, dealing with Supplementary Estimates (B), for 2002-03, and the second is the final report on the Estimates for the fiscal year, 2002-03. Those two reports from the National Finance Committee follow upon our study of the Supplementary Estimates and our conclusion of the study of the Estimates for the entire year, 2002-03.

In referring to the reports, I compliment all of the members of the National Finance Committee for their able participation in and attendance at committee meetings. I would also commend the able chairmanship of the Honourable Senator Murray.

Honourable senators, in my remarks, I will refer to statutory expenditures and non-statutory expenditures. Statutory expenditures are those expenditures provided for in other statutes. The remarks made respecting those items today will be for information purposes only.

The non-statutory expenditures require approval. That is the purpose of the last appropriation for 2002-03.

[Translation]

Honourable senators, the legislation before you today, Appropriation Bill No. 4, 2002-03, provides for the expenditure of \$1.9 billion, the full amount mentioned in the 2002-03 Supplementary Estimates (B).

Supplementary Estimates (B) were tabled in the Senate on February 26, 2003 and referred to the Standing Senate Committee on National Finance for consideration. This was the last Supplementary Estimates for the current fiscal year, which ends on March 31, 2003.

[English]

The 2002-03 Supplementary Estimates (B) seek parliamentary approval to spend \$1.9 billion on expenditures for 2002-03 that were provided for within the \$175.8 billion in overall planned spending for fiscal year 2002-03, as set out in the Minister of Finance's budget of February 2003. These Supplementary Estimates were not included a year ago in the 2002-03 Main Estimates; hence, the necessity for these Supplementary Estimates.

Hon. Anne C. Cools: Honourable senators, I rise on a point of order. Is it possible for us to have copies of Bill C-29? Senator Day is on his feet. He has moved second reading and is speaking to Bill C-29. It would be helpful and useful for senators to have copies of Bill C-29.

The Hon. the Speaker: Honourable senators, it is not out of order to proceed with consideration of a bill if the bill was properly presented to the Table. I believe that was done in this instance. I would ask the Table if we have copies for distribution.

Senator Cools: I told Senator Day that I would be standing by to help him if he needed help.

The Hon. the Speaker: I understand your point of order, Senator Cools.

Senator Cools: It is not a full point of order; I am just trying to let you know that we should have the bills before us.

The Hon. the Speaker: I thought you rose on a point of order — which is in order — to interrupt Senator Day to point out that honourable senators do not have copies of Bill C-29. I understand the pages are in the process of distributing the bill.

Senator Day: If it is the pleasure of honourable senators, I am prepared to withhold my comments until the distribution of Bill C-29 has been completed.

Senator Stratton: Proceed.

Senator Day: Thank you.

• (1510)

These Estimates were discussed in some detail with Treasury Board Secretariat officials in their appearance before the Standing Senate Committee on National Finance on March 18. The report presented by Senator Murray yesterday is the result of those deliberations.

[Translation]

You will remember that these Supplementary Estimates were discussed in detail with Treasury Board Secretariat representatives when they appeared before the Standing Senate Committee on National Finance on March 18.

Some of the major departments need appropriations. The Department of National Defence requires \$297 million for increased repair and maintenance costs and increased contributions to NATO.

[English]

Among the most important items for which approval is required is \$270 million to the Department of National Defence for costs associated with Operation Apollo, that is, the Canadian Forces deployment to Afghanistan, and the Arabian Sea. It includes health care costs for the Department of National Defence, maintenance and repair costs, and the costs of additional air operations in support of NORAD, North American air defence.

[Translation]

The \$191.5 million to the Canadian International Development Agency will increase funding for international assistance.

[English]

The \$140 million to the Department of Finance will allow the Minister of Finance to pay a one-time settlement of up to \$140 million to the Province of Manitoba regarding federal-provincial transfer payments.

[Translation]

The \$113 million to the Department of Agriculture and Agri-Food will provide funding to improve infrastructure and to purchase equipment to maintain the professional accreditation for Canadian veterinary colleges, which is critical to ensure Canada's food supply.

[English]

There is an allocation of \$96.9 million in additional capital resources for Public Works and Government Services to acquire buildings located at the corner of Merivale and Baseline Roads in Ottawa, known as Skyline Campus.

Senator Cools: Honourable senators, again, I would raise a point of order.

Might we be told when Bill C-29 will be distributed to all members of the Senate? I understand that no one here, not even Senator Day, has a copy of Bill C-29. This is not proper. Perhaps His Honour could let honourable senators know when we will get copies, because it is not in order to proceed this way.

The Hon. the Speaker: The best advice I have, honourable senators, is that, while we have the bill at the Table, the printed copy of the bill has not been distributed as I thought it had been. We are in the process of photocopying the bill that we do have for distribution to honourable senators. It is not fatal to the debate that it was not distributed. However, honourable senators may wish to delay the debate until copies are in their hands. The bill is a technical one, so I understand Senator Cools' point. I am in your hands.

Senator Day, do you have a suggestion? Do you wish to suspend? I believe Senator Day offered to defer his comments

until we did have the bill. Would the honourable senator repeat his position?

Senator Day: I am in the hands of the Leader of the Government in relation to this.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if I could miraculously produce the required documents, I would. The current situation is somewhat unusual, because normally we should have a copy of Bill C-29 in our possession.

If honourable senators asked for copies of the bill to be placed before them, I would fulfill their wish. Otherwise, I understand that it will be difficult, for those who will be talking, to do so without the document in hand.

I believe that this is a privilege that must be respected, so that everyone receives the necessary documents.

[English]

The Hon. the Speaker: Honourable senators, I believe there is a general understanding that it would be better to proceed when the bill is in front of us. I take it that we can revert to this item when we have the bill. That would be a solution to the problem senators face at this time. I would put that forward as a suggestion.

Is it agreed, honourable senators?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, is the bill lost in a metaphorical sense or in a real sense? Where is the certified bill? I would hope that the certified bill is on the Table. The bill did form the substance of a message from the other place. If it is simply a question of making copies of the bill, perhaps it would be best if the opposition were to agree to suspend this item in the absence of the bill and move on to another item so that we can best use our time this afternoon.

The Hon. the Speaker: Is it agreed, honourable senators?

[Translation]

Senator Robichaud: I am sure the bill was tabled during yesterday's sitting and that it is currently on the Table. The usual procedure is that the bill is copied and distributed. This has to be done quickly to continue the debate. I agree with the Deputy Leader that we could move on to another item on the Order Paper and come back to this item as soon as the copies are distributed.

[English]

Senator Kinsella: I would suggest to my honourable colleague that we proceed to Reports of Committees since those three reports are before the chamber. This debate has commenced. One of the reports relates to both Bill C-29 and Bill C-30.

Debate suspended.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with your permission, I would like to call for consideration Item No. 1 under Committee Reports, so that the pages can distribute Bill C-29, which we had started to debate.

[English]

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, for the adoption of the third report of the Standing Senate Committee on National Finance (Supplementary Estimates "B" 2002-2003) presented in the Senate on March 25, 2003.

• (1520)

Hon. Anne C. Cools: Honourable senators, it seems to me that calling the reports first would have been a better way to have proceeded in the first place. In any event, I wish to speak to the motion for the adoption of the third report of the Standing Senate Committee on National Finance, being the committee's report on Supplementary Estimates (B) for 2002-03, the fiscal year ending next week.

I wish to direct my remarks to Minister of Justice Martin Cauchon's request for a supplementary appropriation of \$59.4 million. This \$59.4 million is a total of two votes, being vote 1 for \$50,589,000, and vote 5 for \$8,858,000. These two items totalling \$59.4 million are found at page 82 of the Supplementary Estimates (B), 2002-03, under the Department of Justice.

Honourable senators, for the last few months, the extravagant cost overruns of the Firearms Program have been the focus of media, public and parliamentary attention. Since 1995, this Senate committee has diligently inquired into these costs. Committee report after report recorded this, yet neither Minister Cauchon nor the Leader of the Government Senator Carstairs has responded to the committee's concerns.

On November 21, 2001, Treasury Board Secretariat officials told the committee that the Firearms Program costs would reach \$689 million by March 31, 2002 — that is, by a year ago. In November 2002, while studying Supplementary Estimates (A), 2002-03, the same Treasury Board Secretariat officials told the committee that the costs would reach \$810 million by March 2003 — that is, by now — and would soon thereafter be \$1 billion. In fact, Mr. Richard Neville, the deputy comptroller general, told the committee that they were very worried about this file.

On November 26, 2002, Chairman Senator Murray questioned Mr. Neville at committee, saying:

Is it fair to ask whether, at the official level, you are concerned about the growth of spending in that area?

Mr. Neville responded:

Honourable senators, that is a valid question. From the Treasury Board Secretariat perspective, we are very concerned about this file. I do believe that if we were to discuss this in a few months, we probably would have additional information to provide. I will say that we are extremely concerned about this file.

Honourable senators, these costs and the reasons for them are still a mystery. Today I shall chronicle then Minister of Justice Allan Rock's 1995 assurances to us about his proposed cost of \$85 million for the Firearms Program. On February 16, 1995, Minister Rock, in the Commons at second reading of the Firearms Act, Bill C-68, said:

We have provided our estimate of the cost of implementing universal registration over the next five years. We say that it will cost \$85 million. We have also said that we will put before the parliamentary committee, on which all parties sit, details of those calculations showing our assumptions and how we arrived at those figures. We encourage the members opposite to examine our estimates. We are confident we will demonstrate that the figures are realistic and accurate.

In the same speech, Minister Rock repeated his assurance of his costs, saying:

It is crucially important, in my judgment, that as we debate this question of registration, in respect of which there are strongly held views on both sides, that we do so on the real facts. Let us confine ourselves to the reality of the situation. Let us not hear that the registration system will cost \$100 per firearm.... Let us not contend that it will cost \$1.5 billion to put in place.

That is the way to distort the discussion. That is the way to frighten people. Surely this debate must be carried out on the real facts.

Did you hear that, honourable senators? That is what we were getting from Mr. Rock — the real facts.

On April 24, 1995, before the Commons Standing Committee on Justice and Legal Affairs, again responding to questions about the credibility, reliability and accuracy of his projected costs, Minister Rock said:

I maintain that the figures I've put before the committee are our best estimate, based on reasonable assumptions, calculated responsibly, and reflecting all of the costs of establishing the registration system. That is to establish the registration system.

Honourable senators, in the Senate on June 28, 1995, before our Senate Legal and Constitutional Affairs Committee, Minister Rock again dismissed questions about his projected costs and condemned his critics, saying:

There is a man on the west coast who purports to have done some research. That research was funded in part by the National Rifle Association, the American gun lobby group. He published a piece of work about the cost of the registration, in which he concluded that it would cost \$1.5 billion. He arrived at that number by taking the \$82, which is the average cost for registering a handgun under the present system — a cost that is determined as a result of the individual checks done by police on applicants for handgun registration, the highly paper-intensive registration system — and he multiplied it by the 6 million or 7 million long arms in the country... Then he took what he assessed to be the administration costs into account and came to the conclusion that it would be closer to \$1 billion or \$1.5 billion. He was throwing around numbers of that magnitude based on his assumptions.

That man was Dr. Gary Mauser, a professor at Simon Fraser University in British Columbia. It turns out he was right; Mr. Rock was wrong.

Honourable senators, a few minutes later, at the very same committee meeting, Minister Rock again insisted that:

It will cost nothing like \$82 for the long arm registration, but that is not what this researcher concludes. People who you would think of as credible sources are using and repeating that information. You see it in some newspapers that have generally high standards and you wonder to yourself: "How are we ever going to sort this out?" I believe that ten years from now we will look back and wonder what all the fuss was about.

Well, honourable senators, we are now in the eighth of ten years later, and the fuss is even greater than it was then. Mr. Rock will wonder what the fuss was about. Certainly, the fuss was about his forecast and what he told Parliament this program would cost.

Honourable senators, on November 16, 1995, Minister Rock appeared again before the Standing Senate Committee on Legal and Constitutional Affairs. He persisted yet again in his projected \$85 million. He said:

As you well know, Mr. Chairman, a great deal has been said about the costs associated with implementing the universal registration system. Some people have suggested, either to this committee or in other forums, that the system would cost between \$500 million and 1.5 billion. There is no basis whatsoever for these claims. In April, our government tabled to the House of Commons committee a detailed breakdown of the approximate cost of implementing the registration system. I feel that it is important to point out that to date, there has been no credible attack made on the figures that we submitted over six months ago.

Only Mr. Rock was credible, remember? Everyone else was simply not credible. I wanted to put that on the record to show the persistence of his assurance of that magical number, \$85 million, and how so many senators were actually taken in and believed the minister.

Honourable senators, I recall Minister Rock's adamant and haughty defence of his forecast amounts. Credibility was his and his alone. Most members of Parliament accepted his forecast and voted accordingly. Those who questioned him, like myself, were brutalized. Clearly Parliament was misled. I wonder if Bill C-68 would have passed had the true costs ever been placed before Parliament.

Honourable senators, I return now to December last. Shortly after Mr. Neville's testimony, Auditor General Sheila Fraser's report was introduced in the House of Commons. The Auditor General dedicated a whole chapter of her report to the now well-known problems of the Firearms Program. Her chapter 10 was entitled "Department of Justice — Costs of Implementing the Canadian Firearms Program." The Auditor General revealed how the Firearms Program costs has escalated from the original forecast to the massive amount of \$1 billion and described the magnitude of the program's problems. Further, the Auditor General informed Parliament that the financial information of the Department of Justice did not fairly present the program's costs. She also informed that she stopped her audit. At chapter 10.48, she stated:

In our view, the financial information provided for audit by the Department does not fairly present the cost of the Program to the government. Our initial review found significant shortcomings in the information the Department provided. Consequently, we stopped our audit of this information...

• (1530)

Honourable senators, the Auditor General stopped her audit, which is an unprecedented and serious step. The action of stopping the audit is a serious matter. The continuation of her audit and its findings are already being anticipated.

Honourable senators, from the beginning, the Firearms Program and its development have been plagued by erroneous assumptions, wrong forecasts and numerous other problems. As a result, the government has set out to restructure the program and, in April 2002, it engaged contractors to do just that. The Auditor General's report, chapter 10 found that the eventual cost of this solution is still undetermined and unknown. At paragraph 10.76, the Auditor General said:

The government approved outsourcing the Canadian Firearms Registration System as part of the Restructuring Program Plan. Outsourcing involved freezing its development, looking for a more cost-effective replacement, and trying to make it more flexible to user needs. A contractor started work in April 2002 to develop a solution. The contractor's proposal involves replacing the System's computer software with existing private sector approaches. The eventual cost of the solution is still to be determined by the Department.

I repeat: The eventual cost is still undetermined by the Department of Justice and is unknown to Parliament and the Senate. Honourable senators, we are being asked to vote today or tomorrow or in the next few days even though the amount is still undetermined. It is a reasonable assumption to say that if it costs \$1 billion to get from 1995 to 2003, then it will cost another \$1 billion to move it forward. I wish that the Minister of Justice would tell us how much but he will not tell us.

Honourable senators, it would seem that, given the history and persistence of these huge problems and given that the eventual cost is still unknown, Parliament would express deep concern, particularly when our intelligence informs us that of that \$1 billion, at least \$500 million is a write-off and a total waste. Yet the minister has not told us and will not tell us what happened to that money. Honourable senators, that is a great deal of money.

In December 2002, the Auditor General's Report coincided with the House of Commons consideration of supply. On December 5, 2002 the House of Commons voted to reduce the Department of Justice estimates by \$72 million. The minister did not withdraw anything. The House had voted to reduce it. The House of Commons Debates, at page 2337, reports as follows:

Mr. Peter MacKay...seconded by the member for Yorkton-Melville, moved:

That the Supplementary Estimates (A) be amended by reducing vote 1a under Justice by the amount of \$62,872,916 and vote 5a under Justice by \$9,109,670 and that the supply motions and the bill to be based thereon altered accordingly.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some honourable members: Agreed.

(Motion agreed to)

That was the record of the House of Commons on December 5, 2002. The *Journals of the House of Commons*, December 5, 2002, recorded the same motion to reduce the Estimates. On page 263, the proceedings read as follows:

...it was ordered, - That the Supplementary Estimates (A) be amended by reducing vote 1a under Justice by the amount of \$62,872,916 and vote 5a under Justice by \$9,109,670..."

Minister Cauchon's disregard for the will of Parliament, for the principles of responsibility and for Parliament's control of the public purse is jolting to our sensibilities.

Honourable senators, the government's spin on this Commons vote has asserted that the government itself withdrew the \$72 million, thereby not conceding the government's defeat. This spin was successful for a time but, like much of the pretence around this Firearms Program, that pretence soon collapsed and was seen to be what it really was, yet another distortion. It should be understood that unanimous consent could not adopt a motion because unanimous consent means with leave of the House, as for example, to put the motion without notice. Peter MacKay's motion to reduce the Estimates was adopted and became an Order of the House to bring the supply bill in accordance with the terms of the reducing motion. Minister

Lucienne Robillard, before introducing the supply bill, reprinted it so she could introduce a bill that would reflect the reduced amount in accordance with the reduction motion as ordered.

Honourable senators, when a motion is agreed to, it becomes an order of the House. The House voted and ordered Minister Cauchon's Supplementary Estimates reduced. A vote and order of the House to reduce a minister's Estimates is a serious matter. A reduction by such a substantive amount is momentous, not merely symbolic —

The Hon. the Speaker: Honourable senators, I regret to inform Senator Cools that her time has expired.

Senator Cools: Honourable senators, I ask leave of the Senate to continue.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am prepared to give Senator Cools a few minutes so that she may finish her speech, as she has advised me that she has only half a page left.

[English]

Senator Cools: Honourable senators, a reduction by such a substantive amount is momentous, not merely symbolic, and is usually followed by the minister's resignation. I note that the quantum of reduction roughly equals Minister Rock's original 1995 \$85-million forecast as the cost of the Firearms Program. The Estimates are the financial expression of a government's policy. In parliamentary terms, a reduction in the Estimates is an expression of non-confidence in a minister's policy that commands the minister to stop and reconsider the said policy and to proceed cautiously with attention to Parliament's needs and the public's needs. This has not happened. In the Supplementary Estimates (B), 2002-2003, the minister is commanding Parliament to vote \$59.4 million — not requesting but commanding. The government's command is attended by the punitive threat that Liberal members who vote against it will face reprisals from the government.

This is unprecedented, honourable senators; it is unheard of. I believe that granting the minister more money for this program has now become a moral question that is reaching a moral crisis, perhaps even reaching a constitutional crisis. Voting to grant the minister more money, I believe, would be an immoral act. Similarly, I believe that the minister's asking us to vote more money is unconscionable and hostile to the principles of parliamentary government and to the interests of Canadian taxpayers. To vote more money would demonstrate the failure of the Liberal Caucus, the principles of responsible government and Parliament's control of the public purse.

Honourable senators, these are merely my opinions, spoken by a person who has studied a reasonable amount on these issues and is a person who has a reasonable knowledge of the parliamentary system.

I also say these words as a great believer in the grand principles of liberalism because, after all, one of the great achievements of British liberalism was the establishment of strict and sound rules or the control of the public purse. It is always said that, when any great initiative or any great proposal moves forward, it should move forward anchored and connected to the greatness of the past. I anchor myself to the notions of the grand liberal — called the great commoner — whose name was William Edward Gladstone, a Liberal prime minister of the U.K., and the principles he laid down in his reforms, strategies, standards and principles on the notion of liberal control of the public purse.

(1540)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in this debate on the third report of the Standing Senate Committee on National Finance. I would like to focus my remarks, in particular, on section "B" of report, dealing with the Canadian Firearms Program.

Honourable senators, we will have an opportunity, if they ever find Bill C-29, to talk about the supplementary amount that is being sought, which is \$54.9 million. I have yet to hear questions asked, beyond the money scandal, about this program. According to the Minister of Justice, when the long arm registration bill was brought in, it would cost some \$80 million; now we are at \$1 billion.

People are involved in managing that money, and I am concerned with the poor management, the poor public administration that has been associated with this file, as well, obviously, as with the \$1-billion price tag.

Honourable senators, I am hopeful that at some time either our National Finance Committee or some other body will examine the public administration model that was applied to the operation of the long arm registration program.

As a former deputy minister myself, I recall during the debate on the original bill years ago that I had grave concerns about the government's ability to administer that program. Therefore, I have great sympathy for the public servants who are given the charge and the money to implement this long arm registration program. Frankly, I think that my concern at the time has been borne out by the experience over these last few years in that they have failed. They not only have failed in terms of the cost, but also in terms of the results. The numbers of long arms that have actually been registered, compared to what ought to have been the case, certainly does not justify the cost. Therefore, it seems to me that there is something equally serious about the failure of system, and it speaks to the inability to administer the program.

Many in this chamber have significant experience in the private sector. I am wondering what your experience tells you. If an organization or company or industry had a program plan that was to achieve a certain objective, and a budget of \$80 million was

set forth, what would happen if, a few years later, the managers came and told you, "We have not achieved the operating objective, and the cost is no longer \$80 million; it is \$1 billion"? Heads would roll. In the public sector, there seems to be no accountability.

Honourable senators, the report that we are debating contains these words. It says that the Department of Justice is seeking \$59.4 million "to continue a minimum level of service for 2002-2003." I repeat: a minimum level of service. Since when has minimalism become the Canadian standard? We know that there is a certain aristocracy for mediocrity, but minimalism should have no place in our public administration.

Honourable senators, it is important for us to look not only at the failure in terms of the budget cost, but at the failure of the public administration system. I think that, with those two considerations, we will be led to the inevitable conclusion that the whole model underlying that legislation was wrong, wrong, wrong.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and report adopted, on division.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we agreed earlier that once we had a copy of Bill C-29, debate on this legislation could resume. The copies of the bill having now been distributed, I call Item No. 4 on the Orders of the Day, under Bills.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I hope I will be able to persuade my honourable colleague to allow us to debate the next two reports on the Order Paper. I do not think it will take that long. It would give us an opportunity to read the bill. There are three pages. Now that the bill has been found, maybe some of us could read the bill while this debate continues on the two reports. However, I will not insist.

[Translation]

Senator Robichaud: Honourable senators, we are considering many things this afternoon, but it is all in good faith. We could, actually, give the honourable senators the time to become familiar with this bill. I thank the Honourable Senator Kinsella for having brought this to my attention. We could therefore move on to Item No. 2 under Committee Reports, which is the motion introduced by Senator Murray for adoption of the fourth report of the Standing Senate Committee on National Finance.

[English]

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Buchanan, P.C., for the adoption of the fourth report (final) of the Standing Senate Committee on National Finance (2002-2003 Estimates) presented in the Senate on March 25, 2003.

• (1550)

Hon. Anne C. Cools: Honourable senators, I think we can proceed directly to the question.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Does the honourable senator wish to speak?

Senator Cools: The interim reports were interesting as were some of the questions contained in the final report. However, I am also of the opinion that time is moving along. My understanding was that we did want to proceed with second reading of the supply bills, so in the interests of time I will be happy to pass.

Senator Kinsella: Honourable senators, I do wish to make a few comments about the fourth report. I listened carefully to the remarks of my colleague Senator Murray yesterday.

I will limit myself to one aspect of the fourth report. I would refer to page 2 of the report where the committee advises the house of its discussion and deliberations concerning the National Capital Commission. Reference is also made to the Honourable Minister of Canadian Heritage having appeared before the committee to comment on three recommendations that the Standing Senate Committee on National Finance had made to this house previously concerning the business practices of the National Capital Commission.

Honourable senators might recall that citizens in the national capital community brought to the attention of this house a serious problem, in their view, with the manner in which the National Capital Commission was proposing to dispose of open space land. The particular land was the property on Prince of Wales Drive, Highway 16, which is Moffatt Farm. Several honourable senators, including our former colleague who is with us this afternoon, Senator Taylor, went to the farm to see exactly what we were dealing with.

It was because of that interest shown by members of this house that the committee made the recommendation that there ought to be meaningful consultation with the community when there is a proposition to divest properties held in trust by the National Capital Commission.

At the time, there was a misunderstanding as to the very mandate of the National Capital Commission with respect to lands that it holds. As a Canadian from the Province of New Brunswick, it is my view that the National Capital Commission holds lands in the National Capital Region in trust for New Brunswickers. It is not holding these lands as a real estate developer in the National Capital Region. Future generations of New Brunswickers who would come to our national capital ought to have the opportunity of enjoying the heritage of the open spaces that we have. This was a real national interest issue that it seemed to me, at least, that the business practice of the National Capital Commission was missing completely.

The committee discovered that there was a strange practice in place as the result of a Treasury Board decision a number of years ago, when money was a little tighter, perhaps, whereby operating agencies were able to divest themselves of capital properties and use that money on projects that the given agency wanted to undertake.

Given the situation of holding properties, in this case in the public interest of all Canadians, and wanting to undertake projects but lacking cash, there was a tremendous pressure on the operating agency, in this instance the National Capital Commission, to sell a piece of land to gain money to undertake a given project that they had in mind within their operating plans.

The Senate committee did a great service in identifying that as a problem. I was pleased to see in this report that the committee had a discussion with the minister regarding those recommendations. I would have preferred that the minister had taken a stronger stance in keeping with the spirit of the recommendation of the committee.

I take notice of that recommendation and of the work done by our committee. It was important work. I support the adoption of this report.

Senator Cools: Honourable senators, Senator Kinsella's comments have been of such interest that I find myself compelled to join in the debate.

Honourable senators have a copy of the report before them. One will see in the narrative of the report an account of the Minister Cripps's testimony before the committee, particularly in respect of her belief that there is a strict arm's length relationship between herself and the Crown corporations that report to Parliament through her.

At the committee meeting, there was some concern expressed as to whether the National Capital Commission is a Crown corporation in the sense that the term "Crown corporation" is being used here. The NCC is, as its name suggests, is a commission, which means that it is a body corporate of land commissioners holding land in a public trust, as Senator Kinsella said.

It became clear that both the minister and the NCC chairmen do not fully comprehend the proper constitutional role of a commission. A commission is a peculiar constitutional entity charged with a public interest role.

At various committee meetings on the subject, a concern was expressed that, by adopting the language of Crown corporations rather than that of commissions and body corporates of commissioners, the NCC has been attempting to recast or remould its constitutional purpose from that of a commission with a duty of public interest to that of a commercial entity involved in the business of driving up land prices through land speculation.

This is a very important matter because distorting land prices can only have a commercial purpose, which is not one properly befitting a commission.

It is an interesting matter, and I thank Senator Kinsella for raising it today. It became crystal clear that these issues were deserving of study.

I would also take this opportunity to thank Minister Copps for appearing before our committee.

Having said that, honourable senators, the issue is now before us. This is a matter about which the Senate has expressed some concern.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1600)

THE ESTIMATES, 2003-04

FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Bolduc, for the adoption of the fifth report (first interim) of the Standing Senate Committee on National Finance (2003-2004 Estimates) presented in the Senate on March 25, 2003.

Hon. Anne C. Cools: Honourable senators, we are now on the interim report of the Standing Senate Committee on National Finance, which means it is the report that supports the interim supply bill.

If one were to look at page 3 of the report, one will see that the following prose is found. It says a total of \$113.1 million is requested for the Canadian Firearms Centre, of which \$74 million is for the Department of Justice.

I simply want to make the point again about the continuing concern about giving yet more money to this already voluptuous money sink and the concerns that it has caused Parliament.

Honourable senators, it is most interesting that one particular point has not been raised as yet in the debate. I suppose it will

come forward when we move on to the bill itself. When one considers that request after request for appropriations have come before this committee, one cannot help but notice that not a single one of those requests has ever been accompanied by a visit or an appearance by the minister. In the debates in committees, I frequently say that we should have a minister come and talk to us to tell us what this money is for and give us a fuller explanation of where all this money is going.

At the House of Commons Public Accounts Committee meeting some weeks ago, I encountered the Deputy Minister of Justice, Mr. Morris Rosenberg. He was able to tell me at the time that he had been reading the Senate committee debates. I thought at the time that we had arrived at last, since someone was reading our proceedings. He told me that he had noted that I frequently say, "The minister should appear before us." However, I do sincerely believe that this issue is so stupendous and gargantuan that I hope the committee and this chamber, perhaps the government leader in the Senate, would communicate to the Minister of Justice the high importance that should be given to scheduling an appearance before the Standing Senate Committee on National Finance.

I must tell you, honourable senators, that we really are blessed on that committee. We have an excellent chairman, Senator Murray, and deputy chairman, Senator Day. On behalf of all the members of the committee, I think we should communicate to the minister an invitation to come before the Standing Senate Committee on National Finance to explain these items and sums. The minister should come soon.

Senator Kinsella: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and report adopted, on division.

APPROPRIATION BILL NO. 4, 2002-03

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Biron, for the second reading of Bill C-29, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2003.

Hon. Joseph A. Day: Honourable senators may recall where I was prior to the suspension of the debate. I was dealing with some of the interesting items that make up part of the \$1.9 billion for the Supplementary Estimates (B) that the government is asking for under Appropriation Act No. 4. We are on second reading.

I think it not necessary to elaborate much more on some of the items. I will go over them quickly. Some I happened to mention to the honourable senators. One of these has already been mentioned to you on several occasions, which is \$59 million for the Gun Control Program. There is \$54.3 million for Human Resources Development, for three new grants to governments: one for the Government of Quebec for \$53.7 million, one for the Government of the Northwest Territories for \$336,000, and one for the Government of Nunavut for \$261,000. Each of these grants is to ensure appropriate support to their provincial or territorial student assistance programs. I think that is an important initiative that honourable senators should be aware of.

Fifty-two million and one hundred thousand dollars would go to Fisheries and Oceans to address core operational requirements for the department to continue to deliver its core services to Canadian citizens for the remainder of this fiscal year. Finally, honourable senators —

[Translation]

— an amount of \$50.7 million for Citizenship and Immigration Canada, \$29 million of which is for increasing the grant to Quebec for 2001-02 and 2002-03 under the terms of the Canada-Quebec Accord on Immigration; an amount of \$21.7 million to take into account the new federal grant presentation standards for Quebec.

[English]

The above items represent \$1.4 billion of the \$1.9 billion for which parliamentary approval is being sought. The balance of \$428 million is spread among a number of departments and agencies. The specific details are included in the Supplementary Estimates, which I know were circulated to all honourable senators. We will not have to delay to make copies for honourable senators.

[Translation]

As for the changes to forecast statutory expenditures, there is a decrease of \$439.5 million in the statutory items already forecast and authorized by Parliament. The updates in the Supplementary Estimates are there for information only.

[English]

The major statutory items are provided for information purposes only, and honourable senators will recall that the expenditure for those statutory items is provided for in other statutes — I am telling honourable senators about them for information purposes only — to which changes are projected in the spending amounts. Our Department of Finance statutory public debt charges are forecast to increase by \$800 million, due to an increase in interest on retirement and post-employment liabilities and decreases in interest on public sector pensions and federal debt. This is consistent with the forecast for public debt charges that were included in the Minister of Finance's budget presented in February of this year. There is \$323 million in payments to the Canadian Air Transport Security Authority for operating and capital expenditures. This was also included as a statutory expenditure in the 2002 federal budget, Bill C-49 passed by Parliament. It is also indicated that \$108 million will go to Natural Resources Canada for Newfoundland fiscal equalization offset payments; that \$50 million would go to the Minister of Agriculture for aid to agriculture in the province of Quebec.

[Senator Day]

• (1610)

[Translation]

There has been a net decrease of \$550 million in the forecasts by Human Resources Development with respect to the statutory expenditures for the Income Security Program for the year 2002-03, which brings the revised total to \$25.8 million.

[English]

There has been a decrease of \$295 million to Human Resources Development for loans disbursed under the statutory Canada Student Loans Program resulting from improvements in the accuracy of forecasting used to estimate the growth in the student loan portfolio and from the inclusion of repayments. We specifically asked that question because we did not want to see a reduction in student loans. It was indicated to us that the amount was reduced because of better forecasting of requirements.

[Translation]

There has been a net decrease of \$242.8 million for Human Resources Development as statutory payments under the Canada Student Loans Program to reflect the decrease in replacement payments to non-participating provinces as well as reduced costs relating to the student debt reduction provisions, of Canada Study Grants and of the cost of the service bureau.

[English]

Finally, honourable senators, there has been a decrease of \$129 million to the Department of Finance for statutory transfer payments to provincial governments.

[Translation]

This, honourable senators, concludes my comments on Supplementary Estimates (B) for 2002-03.

[English]

Honourable senators, this Appropriation Bill No. 4, which we now have at second reading, is for the release of \$1.9 billion to end this fiscal year. This amount was included in the Minister of Finance's February 2002 budget for planned spending ending in fiscal year 2003. I ask honourable senators for their support of this bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator take a question for clarification?

Senator Day: I would be pleased to take a question. However, I cannot guarantee that I will provide a helpful answer.

Senator Kinsella: Would Senator Day be able to show us in Bill C-29, which we are now debating, where the \$59.4 million is provided for, for the Canadian Firearms Program? On what page of the bill do we find that item?

Senator Day: I thank the honourable senator for his question. While I am looking through this new document that I have just received, I would refer him to the Department of Justice votes 1 and 5 found at page 82 of the Supplementary Estimates. Those should be in Bill C-29. Perhaps my friend will find that before me. I have people helping me look for it in the bill.

Senator Kinsella: Maybe I could assist the honourable senator. I would refer to page 17 of the bill, Schedule 1, Department of Justice, votes 1(b) and 5(b). Is the figure found under vote 1(b), \$68,004,029, where the \$59.4 million for the firearms program is embedded?

Senator Day: It is my understanding that that is where that item is found. We specifically asked why that would not be more clearly displayed. In the Supplementary Estimates (B), at page 82, due to the interest, there is a breakout for the Canadian Firearms Program.

Senator Kinsella: We are dealing with the bill now.

Senator Day: Yes, I understand that. The explanation given to us was that the detail would be found in Part III of the Estimates that would come forward. We pointed out that that would not be before us until after we had voted on the bill and that this was a procedure that we wanted to review. That is where the item is found.

Senator Kinsella: Honourable senators, the debate right now is on the principle of Bill C-29. Would an amendment to have vote 1(b) stricken address the concerns of those of us who are opposed in principle to the inclusion of \$59.4 million in these Supplementary Estimates for the long arm registration program? Is vote 1(b) where we would find the \$59.4 million item?

We need to know where that item is in the bill if we are to move an amendment to the bill, which the honourable senator may or may not support.

Senator Day: I thank the honourable senator for his question. I hesitate to offer the honourable senator guidance on bringing forward an amendment. I am hopeful that my comments would persuade him not to introduce an amendment to the bill. However, he is correct in that, to the best of the committee's information, that figure is located in the Department of Justice votes 1 and 5.

Hon. Gerald J. Comeau: Honourable senators, I enjoyed watching the honourable senator squirm in response to the previous question. That is one of the questions that I have been raising in committee for some time. As sponsor of the bill, I assume that the senator will now be an active supporter of some of the issues that I have raised on this specific subject. If we are to deal with figures and numbers, we should be able to find them quickly and readily and be able to identify them without having to assume that the numbers are incorporated in other figures.

My question to the honourable senator is: Does this further enforce the need for us to have more clarity in and consistency

between reports so that we do not have to refer to the Supplementary Estimates? I hope the honourable senator will agree with me that we ought to work together to achieve that goal.

Senator Day: I thank the honourable senator for his question. The National Finance Committee has agreed with the honourable senator on that point in several of its reports. We continue to work on the requirement for further clarity. We are of one voice and thought in that regard. We will continue encourage improvements. I look forward to the continued good participation of the honourable senator in that committee and to working with him.

Hon. Terry Stratton: Honourable senators, I rise to speak on second reading of Bill C-29, which authorizes \$1.9 billion in additional spending for the fiscal year ending March 31, 2003.

Honourable senators will know that additional money for the Canadian Firearms Program, or CFP, as it is known, is contained in this supply bill. An additional \$59,447,000 is requested to keep the program going until the end of March 2003.

Treasury Board officials told the Standing Senate Committee on National Finance just last week that Justice Canada is seeking these resources for the CFP to continue a minimum level of service for 2002-03. Next year, the program will require another \$113 million, despite the fact that a year ago the Department of Justice said that it expected the CFP would cost \$95 million in the fiscal year beginning April 1, 2003.

• (1620)

Honourable senators will recall that when this program began, we were told that the gun registry would have a net cost of only \$2 million. Then last fall, at a meeting of the Standing Senate Committee on National Finance, officials from the Treasury Board conceded that the running total will hit at least \$1 billion by the 2004-05 fiscal year. That is 500 times the original estimate. I repeat: 500 times the original estimate.

A couple of weeks later this same billion-dollar figure was confirmed by the Auditor General in her review of the gun registry. A few days later, faced with a backbench revolt in the House of Commons, the government agreed to remove \$72 million in proposed gun registry funding from the Supplementary Estimates (A). They told us at the time that they would cash manage the shortfall and then seek funding through Supplementary Estimates (B) instead. In other words, they just juggled the bills in the hope that the storm would blow over.

More than half the money voted to this program since its creation in 1995 has come from Supplementary Estimates, as the people in charge cannot seem to figure out from one day to the next how much money they need to run the program. Parliament gives them money for the year in the spring, and then after a few months they find that they do not have enough. They were caught playing a game that has gone on for far too long; ask for a small amount in the spring, then get a lot more money later on through the Supplementary Estimates.

There are two problems when departments seek to use Supplementary Estimates for most of their operating budget. First, it plays havoc with Parliament's ability to control spending. In her December 2002 report on the gun registry, the Auditor General said:

Departments obtain funding through the main annual appropriations from Parliament. If they need additional funds during a given year they request these through further appropriations called "supplementary estimates." Between 1995-96 and 2001-02, the Department obtained only about 30 per cent of the \$750 million in funds for the Program through the main appropriations method; in comparison, it obtained 90 per cent of funding for all of its other programs through the main appropriations.

Smells a little fishy.

Little additional information was given to explain the need for major supplementary estimates for the Program other than the required brief one-line statement that identified the funds were for the Program.

To enable Parliament to maintain control over the public purse, departments ask for approval of supplementary estimates only for unanticipated expenditures not approved by the Treasury Board in the normal business cycle or for those that cannot be estimated in advance. We note that it has been clear for some time that fees collected have not covered Program costs and that the Department should have told Parliament that this was the case rather than maintaining that cost recovery was feasible and continuing to use supplementary estimates.

Three and a half months typically elapse between the date of the Main Estimates and the date that Parliament votes the money. There is plenty of time for proper examination. Supplementary Estimates are another matter. Most of the time, less than a month elapses between the time they are tabled and the time that they are deemed to be reported out of committee in the Commons, regardless of whether or not they have actually been examined.

Typically, a couple of weeks go by, Parliament recesses for a week or two, and then, poof, the window for scrutiny has come and gone. These Supplementary Estimates illustrate this point clearly. They were introduced in Parliament exactly one month ago. Since then, Parliament was recessed for a two-week break. In the House of Commons, there were nine sitting days to request the additional \$1.9 billion in appropriations. In the Senate, we had five sitting days.

In spite of the rather limited time available, the Standing Senate Committee on National Finance has been vigilant in reviewing the Supplementary Estimates, including those for the gun registry. Year after year, committee members from both sides have held the government's feet to the fire as it asked for more and more money for the registry. This year was no different.

Even some members on the government's side are uneasy about the excessive use of Supplementary Estimates to fund government programs. *The Hill Times* of March 10, 2003, reported the

following interview with Reg Alcock, Liberal Chair of the Government Operations Committee in the House of Commons:

"We need to establish a new set of principles for the use of supplementaries, because we have migrated from the supps being a mechanism dealing with extraordinary events to become a part of the normal budgeting process. And we want to deal with that," he said.

Mr. Alcock said the new spending is supposed to be used for unanticipated expenditures — to pay for deploying Canadian troops overseas, for example — or for new programs adopted after the budget is tabled.

Instead, the government uses them as part of its regular budgetary process, he lamented.

Mr. Alcock can't figure out why nearly all departmental and agencies come back to Parliament with hat in hand for more money after the main estimates are approved in the spring.

Parliament normally handles up to two rounds of supplementary estimates which amount to \$2-billion in extra spending each on average.

To compound things, the Manitoba MP said the additional funds are rarely, if ever, scrutinized by Parliament which passes them on the nod.

"The problem is that people..."

The Hill Times then puts the word "Parliamentarians" in brackets and continues:

"...pay minor attention to the mains...but no attention to the supps...and there is far too much spending going on in the supps," he said.

It is unfortunate that Mr. Alcock did not give recognition to the Standing Senate Committee on National Finance, for this is often the only place where questions are asked about some of the items in the Supplementary Estimates, including the gun registry. The Auditor General has a similar concern, telling the Commons Public Accounts Committee of March 17, 2003: "I do think that yes, supplementary estimates receive less attention."

The Auditor General and the President of the Treasury Board have both given recognition to the work of the Standing Senate Committee on National Finance. Year after year the Liberals or the House of Commons Justice Committee have not been able to find the time to examine Supplementary Estimate requests for money from the gun registry, and the Supplementary Estimates contained in this bill are no exception.

The latest request for \$59.4 million was not examined by the Commons Justice Committee, nor was last December's request for \$72 million. That is how this government has used the Supplementary Estimates to fund the gun registry.

In the 1995-96 fiscal year, \$5 million was approved in Supplementary Estimates (B) for "preparation for implementation of the Firearms Act." This was the first money authorized for the gun registry.

A table in the front of the Blue Book outlining 1995-96 Supplementary Estimates (B) tells us that \$4 million of this came from the Treasury Board contingency vote. This program was not even off the ground, yet from day one they were cutting cheques before Parliament had voted the money.

If this department can cash manage \$72 million for three months, then surely it could have cash managed \$4 million until Parliament approved the Supplementary Estimates; or is Parliament too much of an inconvenience?

In 1996-97, Supplementary Estimates (A) brought another \$16 million for the gun registry, and the list of Treasury Board contingency vote items clearly told us that all of it was advanced for "preparation for the implementation of the Firearms Act."

Are we to believe that the government did not have the vaguest idea, when it pulled together the Main Estimates in February of 1996, of what it was going to spend on the firearms registry that year? Either they were utterly clueless as to the costs so that they could not even plan their spending in February, or the Minister of Justice was playing games. Either could be the case.

(1630)

A few months later, Parliament was asked to vote another \$2.8 million for the gun registry in the 1996-97 Supplementary Estimates (B). In 1997-98, the gun registry was given \$41 million in Supplementary Estimates (B), and of this, \$16 million was specifically identified as having been advanced from the contingency vote.

In 1998-99, the gun registry received a whopping \$87 million from Supplementary Estimates (A), and then a few months later another \$14 million. That is \$101 million through the Supplementary Estimates process in that year alone.

In 1999-2000, the gun registry received \$35 million through Supplementary Estimates (A). We know that \$40 million was advanced to the Department of Justice from the Treasury Board's contingencies vote prior to Parliament voting funds through Supplementary Estimates (A). Unfortunately, the supporting documents do not tell us which particular program at the Department of Justice this helped to fund. Although it is very likely that some of it went to the gun registry, only the Treasury Board and the Justice Department know for sure.

A few months later, another \$46 million was voted for the gun registry in Supplementary Estimates (B) for 1999-2000. This time, we were told that \$40 million was advanced from Treasury Board contingencies.

Turning the page to fiscal 2000-01, Supplementary Estimates (A) approved another \$50 million for the firearms program, of which \$30 million had already been advanced through the Treasury Board contingency vote.

With fiscal year 2001-02, the story line is the same. Supplementary Estimates (A) granted the gun registry no less than \$114 million, of which \$40 million had already been advanced from Treasury Board contingencies. Think about it. The fiscal year was nearly three quarters done before Parliament voted the \$114 million.

This year, fiscal 2002-03, the Liberal government blithely continued with the same game plan. Supplementary Estimates (A) were supposed to give the gun registry another \$72 million, the bulk of its annual spending, in December. However, this time a backbencher vote upset the apple cart, and we got instead a vote for \$59.4 million in the Supplementary Estimates (B).

From day one, this Liberal government has misled Parliament about the gun registry and provided as little information as possible. As the Auditor General noted in last December's report:

The Department of Justice did not provide Parliament with sufficient information to allow it to effectively scrutinize the Canadian Firearms Program and ensure accountability. It provided insufficient financial information and explanations for the dramatic increase in the cost of the Program.

We now have the spectacle of the government blaming MPs for not asking the right questions. This is not a matter of MPs and senators not asking the right questions, assuming we would have been given the right answers. Parliamentarians should not have to guess about what information may or may not be in the binders of those sitting in the witness chairs. For far too long, the government has given far too little information about the gun registry.

Honourable senators, thanks to the work of the Standing Senate Committee on National Finance and the Auditor General, information about the money pit of the Canadian Firearms Program is now known to the Canadian public. How many Canadians would grant additional money to someone who has blown their budget by that staggering sum of 500 times? They are 500 times over budget, or 50,000 per cent.

Senator Kinsella: Incompetent.

Senator Stratton: Remember, this program was only to cost \$2 million. The running total will hit at least \$1 billion by 2004-05.

At some point, honourable senators, someone has to say that enough is enough. No one is debating the merits of gun control. What is in question are the escalating, out-of-control costs of this particular firearms registry. There comes a time when one must say that we cannot continue to throw good money after bad on a program that has still not met its original goal of registering every firearm in Canada.

Honourable senators, it has been seven years and three-quarters of a billion dollars already, climbing to a \$1 billion in two years. I ask my honourable colleagues to think hard about whether we ought to continue this practice of sliding more and more money into this bottomless pit through the back door of the Supplementary Estimates process.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Senator Cools: On division.

Motion agreed to and bill read second time, on division.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of our former colleague, the Honourable Erminie Cohen.

Hon. Senators: Hear, hear!

APPROPRIATION BILL NO. 1, 2003-04

SECOND READING

Hon. Joseph A. Day moved the second reading of Bill C-30, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004.

He said: Honourable senators will have in front of them a copy of Bill C-30. Appropriation Bill No. 1 for the fiscal year 2003-04, the fiscal year beginning next Tuesday, April 1, deals with interim supply. I point out to honourable senators that the Main Estimates for the upcoming fiscal year 2003-04 have been circulated. The Standing Senate Committee on National Finance will stay seized of this particular issue and continue to study the Main Estimates throughout the year.

The government is asking in this particular appropriation bill for interim funding to the month of June, and then it will be back with another bill at that time. The interim financing requested flows out of the Main Estimates, and the amount is \$17.8 billion. The Main Estimates were tabled in the Senate on February 26, totalling \$180.7 billion.

As senators are no doubt aware, the February 2003 budget introduced new spending priorities that will cost the government an additional \$5 billion in the coming fiscal year. That is \$5 billion over the expenditures for this fiscal year.

• (1640)

The government also announced a reallocation initiative aimed at redirecting \$1 billion per year from existing spending to fund

higher government priorities. This reallocation will be permanent and is expected to fund close to 15 per cent of the costs of new initiatives that will be announced in budgets over the next two years.

The net impact of this announcement is included in the planned budgetary expenditures of \$180.7 billion laid out by the Minister of Finance in his budget and referred to in Part I of these Estimates. Of this, \$173.1 billion in budgetary spending for 2003-04 — both voted and statutory — is reflected in these Main Estimates and represents close to 96 per cent of the expenditure plan.

The balance of \$7.6 billion includes provisions for further adjustments in spending under statutory programs or for authorities that will be sought through Supplementary Estimates. This includes the new spending initiatives as well as the planned expenditure reallocations of the \$1 billion to which I just referred.

The government submits the Estimates to Parliament in support of its request for authority to spend public funds. They include information on budgetary and non-budgetary spending authorities. Parliament will subsequently consider appropriation bills to authorize that spending.

Budgetary expenditures include the cost of servicing the public debt; operations in capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations. They are budgetary expenditures.

Non-budgetary expenditures are outlays that result in the change in the composition of the fiscal assets of the government. In 2002-03, these non-budgetary expenditures are represented primarily by payments to various financial institutions; loan disbursements under the Canada student financial assistance program; and loan disbursements and repayments under the Canada Account Loan Agreements.

Both budgetary and non-budgetary expenditures may be authorized through appropriations or statute. Accordingly \$175.9 billion can be split between appropriated — voted — items for which spending authority is sought through the Estimates and through appropriation bills.

For 2002-03, these voted items amount to approximately \$58.9 billion, or 33.5 per cent of the published Main Estimates. Statutory items, for which spending is authorized under other pieces of legislation, and this includes employment insurance benefits, elderly benefits and transfers to the provinces and territories. Statutory items in the Main Estimates total \$117 billion, or 66.5 per cent of the total Main Estimates.

[Translation]

The government submits the Estimates to Parliament in support of its request for authority to spend public funds. Budgetary expenditures include the cost of servicing the public debt; operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Non-budgetary expenditures are outlays that result in the change in the composition of the fiscal assets of the government. Both budgetary and non-budgetary expenditures may be authorized through appropriations or statute. Accordingly, \$175.9 billion has been set aside for appropriated — voted — items, for which spending authority is sought through the estimates.

In 2003-04, these expenditures amount to \$58.9 billion, or 33.5 per cent of the published Main Estimates. Statutory items make up approximately 66.5 per cent of the total.

[English]

These estimates were discussed in some detail with Treasury Board officials in their appearance before the Standing Senate Committee on National Finance on March 19, 2003.

The following are some of the items used in the comparison between the previous fiscal year and the current fiscal year. I elected some items that may be of interest to honourable senators to demonstrate where there are increases and where decreases occur.

The first item is \$1.3 billion due to a forecast increase in public debt interest and servicing costs; \$700 million for the Canada health and social transfer.

[Translation]

Then there is \$774 million for salary increases, including remuneration for judges and members of the RCMP, as well as salary adjustments for members and House Leaders.

[English]

Another item is \$480 million to Transport Canada.

[Translation]

As well, there is \$402 million for the Department of National Defence. This is an increase for the approved readjustment for pay and benefits for military and civilian personnel.

Then there is \$450 million for direct payments to individuals due to increases in old age security and guaranteed income supplement payments.

[English]

This includes \$247 million to the Treasury Board Secretariat for employer contributions to insurance plans. We also have \$204 million which relates to the creation of the Canadian Institute for Health Research; to grants for research projects; and to an increase in the Canada Chairs for the Research Excellence Program. There is \$190 million for payments to various international financial institutions relating to commitments made by Canada under multi-lateral debt reduction agreements.

[Translation]

We also have \$187 million for increasing Canada's international aid envelope.

[English]

Also included is: \$173 million to Indian Affairs and Northern Development; \$168 million to support various Health Canada programs, such as First Nations and Inuit health, including the early childhood development for First Nations and other Aboriginal children initiative; and the health infrastructure and Primary Care Transition Fund initiatives.

[Translation]

Some \$164 million is needed for veterans disability pensions, mainly because of annual adjustments based on the consumer price index, on the anticipated increased volume of grants for attendance allowances, and on the seriousness of the growing number of types of disabilities as the beneficiaries get older.

[English]

Also included is \$150 million for increased payments to the Canada Mortgage and Housing Corporation; \$142 million to Public Works; and \$139 million for the Canada Customs and Revenue Agency. That would be related to workload requirements identified under the resource and management review, and for the implementation of tax measures announced in the federal budget of two years ago.

• (1650)

These increases, honourable senators, are offset by budgetary decreases, which is always nice to see. There is a decrease of \$542 million due to the termination of the Canadian Farm Income and Agricultural Risk Management Program. We are told that that program is being terminated, but another program will be implemented. There is also a decrease of \$245 million in the payments made by Human Resources Development Canada under the Canada Student Loan Program due to legislative changes and a decrease in the old loan portfolio.

[Translation]

The other main budgetary reductions are the following: a \$229 million reduction in forecast employment insurance contributions; a \$175 million reduction at the Department of Finance for replacement payments for the ongoing programs under the Federal-Provincial Fiscal Arrangements Act; a \$17 million reduction in the National Homeless Initiative; a \$100 million reduction at the Department of Canadian Heritage for spending related to the Canadian Television Fund.

[English]

On the non-budgetary side, there is a net change of \$800 million from the fiscal year just ending. The increase is largely attributable to a \$1.2-billion increase in an anticipated loan disbursement and loan repayment under the Canada Account Loan Agreements, Export Development Corporation. This is offset by an expected decrease of \$274 million relating to loans disbursed under the Canada Student Loan Financial Assistance Act and \$43 million in payments to various international financial institutions.

[Translation]

Honourable senators, the bill before us today, Appropriation Act No. 1, for 2003-2004, is for the release of interim supply of \$17.783 billion for the coming fiscal year 2003-04, the Main Estimates for which were tabled in the Senate in February.

[English]

Honourable senators, Appropriation Act No. 1 is for the release of interim supply for the coming fiscal year, beginning April 1, 2003. The Standing Senate Committee on National Finance will continue to study the Main Estimates. I expect that in June of this year another appropriation bill will be submitted for release of further funds under the Main Estimates.

Honourable senators, your support for the interim release of \$17.8 billion is respectfully requested.

Hon. Terry Stratton: Honourable senators, I am pleased to rise today to make a few remarks about Bill C-30, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2004.

This is the first appropriation bill of the new fiscal year, and it is advanced at this time to provide interim funding for the first three months, pending approval of the balance of the Main Estimates in a subsequent appropriation bill.

While many departments, in fact, request and receive 25 per cent of their funding, a number of departments and programs find that their activities are heavily weighted toward the beginning of the fiscal year and which, accordingly, require that more than 25 per cent be provided. I note, for example, that the Office of Indian Residential Schools Resolution of Canada is seeking to obtain eleven-twelfths or nearly its full funding for the year through this bill.

The Department of Justice is scheduled to receive five months of funding with respect to its operating expenditures during the first three months, based on the fact that it provides legal services to other government departments, which will not be recovered until the second quarter of the fiscal year.

With regard to the Department of Justice, I note for the record that it appears this may be the first year since its inception that the forecast expenditures in the Main Estimates for the Canadian Firearms Program may be even close to the mark. We shall see. This is unusual for this particular program in light of the fact that fully 70 per cent of the funding for the CFP has been granted through Supplementary Estimates over the last seven years. This is an appalling record. Put another way, the Minister of Justice has been consistent throughout the life of the firearms program in understating the annual cost of the program in the Main Estimates by, on average, somewhat more than 200 per cent annually.

The total request in the Main Estimates this fiscal year for the Canadian Firearms Program is \$113 million. Last year, the Minister of Justice asked for roughly about \$35 million through

the Main Estimates and later sought another \$72 million through the first round of Supplementary Estimates, a request that Parliament refused, as we all know.

The minister then came back in the second round of Supplementary Estimates to obtain \$59.4 million. The total that the firearms program actually hoped to receive in the last fiscal year was \$107 million. A request for \$113 million in the Main Estimates for the coming fiscal year is something we can hope will be close to the total amount required to run this money pit for another year.

Honourable senators should keep in mind the prediction of the Minister of Justice, Allan Rock, when he informed Parliament in 1995 that the Canadian Firearms Program would cost taxpayers a net total of \$2 million over five years, and then it would be run thereafter on a break-even basis. In fact, it will cost the taxpayers of Canada 56 times that total for the coming fiscal year alone. The total projected cost to Canadian taxpayers exceeds the original \$2 million predicted by roughly — and this is a staggering figure — 50,000 per cent. Imagine running your household budget and going over by 50,000 per cent. It does not reflect well on the accuracy of the minister's forecast or his ability to accurately project costs or to accurately inform Parliament as to the projected cost during the succeeding fiscal years.

Cost overruns of this magnitude are, fortunately, uncommon. There are those who would say that it is regrettable that Parliament did not intervene earlier to reign in these runaway expenditures through effective utilization of the lever of the public purse. Perhaps the most important controlling mechanism in the hands of this chamber is the power to decide whether or not the government will be voted supply through appropriation bills like the one before us today.

These bills are passed, almost invariably, with little in the way of substantive debate, partly because the Main Estimates are open to examination by each of the committees of the Senate, but mainly because government cannot operate without these funds.

However, it is through the power to say no to the executive that the Senate and the House of Commons are able to hold the government accountable to the people of Canada. This power to say no is rarely used, but the executive is taking a risk if it takes for granted that this chamber will always accede to requests for approval of every part of the government's spending plans.

• (1700)

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Senator Day]

VIMY RIDGE DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.—(*Honourable Senator Atkins*).

Hon. Norman K. Atkins: Honourable senators, I rise today to take part in the debate on Bill C-227, the short title of which is the Vimy Ridge Day Act. I am delighted to support this bill and hope that other honourable senators will support it as well.

Bills such as this one and the one introduced by Senator Lynch-Staunton which passed through the last session setting a day to commemorate the birth of the former Prime Ministers Macdonald and Laurier, all work together to help Canadians remember their history.

How many times have we heard in the last few years that Canadians, especially school children, do not know Canadian history? I believe that we can do our part as legislators by setting aside national historic days for remembrance of significant Canadian historical events.

If this bill becomes law, as I hope it will, April 9 of each year will be known as Vimy Ridge Day. On this day every year, the Canadian flag on the Peace Tower will fly at half-mast. It is my hope, honourable senators, that flags across this country will fly at half-mast, especially at our schools and on all federal, provincial and municipal buildings. I believe this will eventually be the case, but we have to start somewhere, so let us start with the flag on the Peace Tower.

I believe it is wise that this not be considered a legal holiday. This commemoration will cost us nothing, yet we will be together in our workplaces and schools so that individually and together we can remember and celebrate the sacrifices made so long ago and so far away that began to form us into the nation we are today.

I wish to congratulate the sponsors of this bill in the other place and to mention the support given to this bill by my party's national defence critic, the member for the constituency of Saint John, New Brunswick, Elsie Wayne.

This bill sets out that the battle and subsequent victory at Vimy Ridge is considered by many to be a turning point for our country and the beginning of Canada's march toward nationhood. I agree with this sentiment and believe it to be an accurate portrayal of the place of this battle in the history of our country.

One need only read a little of the history of our contribution to this part of the First World War to realize its significance to the nation-building exercise in Canada. We also should not forget that the bravery, courage and sacrifice of our troops at the Battle

of Vimy Ridge galvanized the opinion of our country in the eyes of our allies, most notably Great Britain. We were to be considered as a serious nation of the world, willing to sacrifice our young people on foreign soil to ensure the course of freedom.

Accounts written at the time described Vimy Ridge as a cherished victory. Colonel G.W.L. Nicholson, official historian of the Canadian army in the First World War, wrote of Vimy:

No other operation of the First World War was to be remembered by Canadians with such pride — the pride of achievement through united and dedicated effort. Those who returned brought with them a pride of nationhood they had not known before. It was our victory, the Canadian victory.

Honourable senators, I am proud that my father, George Spicer Atkins, took part in the Battle of Vimy Ridge. He was a member of the Canadian Expeditionary Force, the 46th Queen's Battery. I have extracted the April 9 entry from the diary he kept throughout his service during the war. He wrote:

Put over a barrage this morning at 5 o'clock. The Canadians took Vimy Ridge. Took a lot of prisoners, et cetera.

That was all he wrote, as though it was just another day in battle, but it turned out to be a great day for Canada.

As we all know, the battlefield has become a shrine for Canadian war dead. A huge concrete and marble memorial sits atop the ridge, its two spires rising some 70 metres over the low farmland that now surrounds it. Around the towers are 20 larger-than-life figures representing peace, truth, justice, courage and other enviable qualities possessed by those who fought to secure the ridge. On the marble walls of the monument are engraved the names of 11,285 Canadian soldiers who were lost in the First World War and who have no known graves. The main inscription reads:

To the valour of their countrymen in the Great War and in memory of their sixty thousand dead this monument is raised by the people of Canada.

It is time now for us to do something about Vimy here at home. I urge all senators to support this bill so that it may be in place on April 9 of this year.

[*Translation*]

Hon. Laurier L. LaPierre: Honourable senators, I would like to continue along the same lines as Senator Atkins and thank all the honourable senators who took part in the debate on Bill C-227.

[*English*]

I would thank everyone who participated in this debate and for realizing that this is a most important bill that needs to be passed quickly in order that, by April 9, we shall honour forever the Vimy dead.

I should like to mark this occasion by reading the words of Pierre Berton in his magnificent book, *Vimy*, published by McLellan and Stewart. Before doing so, I would like to say something about a group of Canadians we tend to forget when we speak about the First World War.

• (1710)

It is well to remember, honourable senators, that the Battle of the Somme was the training ground for Vimy, at a cost of 24,000 Canadian casualties. On the first day of the Battle of the Somme, the day that was supposed to blast a gap in the German line that would stop the troops, almost 60,000 men were killed and wounded.

The blood bath continued all that summer. The Newfoundland Regiment, in one single tragic day, lost 710 of its 801 officers and men. It is one of the most incredible losses of human life in the story of Canada. Sometimes we tend to forget that, and in honour of my friend, Senator Rompkey and the people of Newfoundland and Labrador, I wanted to mention that enormous sacrifice.

Honourable senators, I would like now to tell you about the pimple. The pimple was the last little hill that had to be conquered on that fateful day. Burton tells us that it was a small wooden knoll at the northern end of the ridge. It was another German stronghold, strengthened with concrete pillow boxes, bristling with machine guns, most of them still undamaged.

It was a maze of tunnels, dugouts, holes, trenches and entanglements all carefully camouflaged and protected by mines, barbed wire and booby traps. In the pits and the craters of the slopes, the German snipers and gunners waited for the inevitable assault.

The original plan called for a British brigade on the left to attack this objective, but four days before the battle the task had been assigned to the 10th Canadian Infantry Battalion.

Parts of the 10th battalion had already been bloodied two days before in the battle to secure the eastern slope of the ridge below hill 145. On Thursday, April 12, other companies of the same two battalions, the 50th and 44th, from Calgary and Winnipeg, together with the 46th from Regina and Moose Jaw, were assigned to complete the job.

Once again, at dawn, the westerners left their trenches to toil up the hill behind the furor of the creeping barrage and in the teeth of a raging snowstorm. It was still dark. The blizzard had wiped out the dawn's first light, but this time the snow was the soldiers' friend. The men on both sides broke blindly into the blizzard, but it was the German machine gunners who suffered most because they were unable to see the Canadians coming forward. With the wind, the whirling snow was as much a shield as a curtain of shells.

The postponement of the battle had given the Germans time to bring up fresh troops — the elite Prussians of the 5th Guard, six-footers all who sneered at the Canadians as the untrained

colonial levies. In spite of that, the despised colonials captured the pimple in less than two hours.

Burton finishes this chapter with this very beautiful and moving story.

The snow was so heavy that some men lost their sense of direction. When Allen Hawk, a private with the Winnipeggers, reached the top of the ridge, he did not know which way to go. To him the battle had taken on an unearthly aspect. Encased in a cocoon of sound and in the white mantle of the blizzard, he could see in the gun flashes the ghostly shapes of men falling around him. It did not occur to him that these men were hit. He simply thought they had fallen into a shell hole or lost their bearings as he had. Like so many others during these days of battle he had no clear picture of what was going on.

Later that same morning he found himself on the far side of the ridge, all alone, with no idea of how he got there. Over to his left he spotted some troops. These were Japanese Canadians from the reserve battalion, the 47th from British Columbia. It added to the weirdness of the occasion, the Orientals squatting on their hunches grinning because the fight was over and they were still alive and the soft snow still falling mercifully concealing the ghastly carnage of war.

Honourable senators, it has become commonplace to say that Canada came of age at Vimy Ridge. It is a historical fact that Canada entered the war as a junior partner of Great Britain and emerged an equal. That status was confirmed when Canada, with other dominions was given a vote at the League of Nations.

Did this really spring from the victory at Vimy, asked Burton, or was Vimy simply used as a convenient symbol, a piece of short land to stand for a more complicated historical process, that in the end was probably inevitable?

Does it matter? What counts is that in the minds of Canadians, Vimy took on a mythic quality in the post-war years, and Canada was, and is, short of myths. There is something a little desperate, a little wistful in the commentaries of the 1920s and 1930's, and even later, in which Canadians assured one another over and over again that at Canada, at Vimy Ridge, had at last found its maturity.

No overall hero emerged from the Canadian corps — no Wellington, no Cromwell, no Washington. Bing, who might have been one, was British. Currie, who should have been, was undermined by rumours. The real heroes were the masses of ordinary soldiers, who fought and died in the belief they were making the world a better place, and their inventive leaders who stubbornly refused to follow the old rules of war.

The single word "Vimy" stood for them and helped to soften in Canada the bitterness of the post-war years. Canadians could grumble that Ypres, Somme and Passchendaele were bungled by the British army, but Vimy was Canada's, and nobody could take that victory away. In the years between the two world wars every school child, every veteran's son, every immigrant was made aware of it. Now the time has come to make it for all Canadians and all the world to see.

I had planned to read and enter into the record the list of the 27 battalions and the four rifle corps companies who participated in the Battle of Vimy Ridge, but it would take time to do that. Perhaps I could be permitted to give these pages to the clerks so that they could be entered into the record of the Senate without my entering them.

An Hon. Senator: They can be tabled.

The Hon. the Speaker *pro tempore*: Is leave granted to table these documents, honourable senators?

Hon. Senators: Agreed.

Senator LaPierre: Therefore, the record of the Senate will list the battalions and rifle corps companies that were there. Thank you very much.

Hon. Bill Rompkey: Honourable senators, I would ask to adjourn the debate in the name of Senator Prud'homme.

[Translation]

Hon. Jean Lapointe: If leave is given, I would ask that the debate be adjourned.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, there cannot be two motions for adjournment before the House. Senator Rompkey called for adjournment for Senator Prud'homme, who would like to address his matter. This would allow Senator Lapointe the opportunity to do so later.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it seems to this side that this is a time-sensitive issue, as our colleague Senator LaPierre has just pointed out. There is an opportunity at third reading for honourable senators who have yet to participate in the debate to do so.

The scenario, as I understand it, is that this bill would be referred to the Standing Senate Committee on National Security and Defence, which, in turn, would submit it to the Subcommittee on Veterans Affairs with the expectation that it would deal with this matter on Monday of next week so that it could report it back for third reading on Tuesday. It could then be adopted and come into force and effect for April 9, 2003.

(1720)

I would encourage those who wish to participate in the debate to seize the opportunity at third reading so that the question can be put.

Senator Rompkey: Honourable senators, the objective is to move the bill to committee now and have those who have not spoken speak at third reading. I would be happy to withdraw. I gave an undertaking to Senator Prud'homme, because he is not well; however, he knows it is a time-sensitive issue and that we have to conclude the debate before April 9.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Hon. Senators: Question!

[Translation]

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Poulin, seconded by the Honourable Senator Poy, that the bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Senator Robichaud: Honourable senators, I would like to be sure that everyone is aware that the motion we have just adopted concerns the second reading of this bill.

Hon. Senators: Agreed.

[English]

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

Hon. Marie-P. Poulin: I move that the bill be referred to the Committee on National Security and Defence.

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Poulin, seconded —

Hon. Marcel Prud'homme: Honourable senators, I am sorry, but if what is being referred to the committee is Bill C-227, An Act respecting a national day of remembrance of the Battle of Vimy Ridge, I have asked to speak on it.

The Hon. the Speaker *pro tempore*: The honourable senators are in the midst of a motion. I am sorry; the Chair does not believe we can debate it.

Senator Prud'homme: I wish to raise a point of order.

[English]

The Hon. the Speaker *pro tempore*: Is leave granted to hear Senator Prud'homme on a point of privilege?

Senator Prud'homme: I ran as fast as I could. I informed the whip that I am not feeling well. I asked him to kindly adjourn the debate. When I heard on the television in my office the word "Vimy," I came right away. I was given the assurance that debate would be adjourned in my name, so I went back to my office. Now I hear that some senators want to send this bill to committee. I want to speak to the bill at second reading. I am not trying to kill the bill, but I want to speak here. I was given the assurance that the debate would be adjourned under my name today.

Senator Kinsella: When would you speak?

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, the Chair regrets it, but the motion has been moved and adopted. We have discussed it and it was agreed that the honourable senator could comment at third reading.

Senator Prud'homme: I know.

The Hon. the Speaker pro tempore: Honourable senators, it was moved by Senator Poulin, and seconded by Senator Rompkey, that this bill be referred to the Standing Senate Committee on National Security and Defence. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Prud'homme: No.

On motion of Senator Poulin, seconded by Senator Rompkey bill referred to the Standing Senate Committee on National Security and Defence, on division.

[English]

Senator Prud'homme: That is exactly what I object to in the Senate. When you give your word, you keep your word!

Some Hon. Senators: Order!

Senator Prud'homme: I was given the promise to adjourn in my name. Now you pass it. I regret, but that is not the way to act. However, we will get even. Do not worry.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is 5:25 p.m., committees are sitting and other activities are currently underway. Would you give leave to stand the remaining items on the Order Paper to the next sitting in the order in which they appear on the Order Paper.

The Hon. Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, March 27, 2000 at 1:30 p.m.

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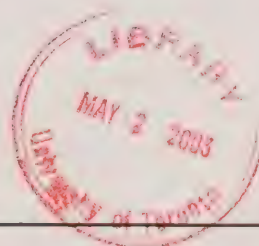
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OFFICIAL REPORT
(HANSARD)

Thursday, March 27, 2003

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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THE SENATE

Thursday, March 27, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

[English]

Prayers.

Off-mike comments are not always clearly picked up. However, it is my assessment that Senator LaPierre did probably say, "So did the Americans."

POINT OF ORDER

At the same time, in reaching this conclusion, I do not wish to suggest in any way that the reporters behaved improperly in carrying out their work.

SPEAKER'S RULING

Faced with these facts, it seems only right to accept the word of Senator LaPierre, that in making this request the senator is seeking only to correct Hansard, not to change it. Based on the precedents that I have reviewed, this kind of request, as Senator Cools said, is usually done without any fuss. There is a request and the Senate approves it. This is our practice.

Therefore, I will ask again, honourable senators, if there is leave to correct the record of Hansard, as was requested by Senator LaPierre.

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. The record will be corrected as requested.

The Hon. the Speaker: Honourable senators, before proceeding with Senators' Statements, I should like to deal with questions raised yesterday in the context of the request of Senator LaPierre by making the following statement.

[Translation]

Honourable senators, yesterday afternoon before proceeding to Orders of the Day, Senator LaPierre rose to ask if he could correct the record of Senate Debates, our Hansard, with respect to a statement that was attributed to him during Senators' Statements on Tuesday, March 25. He explained that the record on page 1002 should read: "So did the Americans."

[English]

In English, "So did the Americans."

Following the normal practice of the Senate, I asked the Senate if leave was granted to allow this correction to be made. Leave was denied. At that point, Senator Robichaud rose to explain that Senator LaPierre had the right to request that Hansard be corrected so that it would faithfully reflect what was said. Other senators then rose to speak. The question that emerged from these exchanges was whether the request was to correct Hansard or to change it. The situation was summarized in the remarks of Senator Cools. As the senator said:

The substance of the issue is the question of correcting a mistake versus the phenomenon of altering the record. It seems to me that if a senator has made a mistake, or the reporter genuinely made a mistake as they took the record..., it should be corrected without any fuss.

The senator then proposed, as did others, that it would be a reasonable thing to listen to the tapes to determine if the record is being corrected or altered.

[Translation]

Honourable senators, I have taken the opportunity to listen to the tape. In fact, I listened to it very carefully several times. I must frankly admit that it is not easy for me to determine with any certainty what was said in the interventions by Senator LaPierre, and I do not have the means to enhance the recording to make a more definitive determination.

SENATORS' STATEMENTS

ESTEVAN BORDER TOWN BRUINS

CONGRATULATIONS TO DOUBLE "A" MIDGET CHAMPIONS

Hon. Leonard J. Gustafson: Honourable senators, I wish Senator Tkachuk were here, but he is not, at the moment. I will make sure he gets the Hansard.

Congratulations to the Estevan Border Town Double "A" Midget Bruins and their coach, Mr. Neil Kish, for winning the Saskatchewan Provincial Title Double "A" Midget Division in the Saskatchewan Hockey Association's provincial championship, defeating the Saskatoon Raiders in a two-game, total point series.

The first game, played in Saskatoon, was tied 2-2. The second game was played in Estevan, and the final game score was 2-1 for the Estevan Border Town Double "A" Midget Bruins.

This is the third year in a row that the Bruins have won the Saskatchewan title. As Wayne Gretzky says, "The game is not just hockey; it's our game."

Again, congratulations to coach Neil Kish and the Estevan Border Town Bruins.

I want to tell Senator Tkachuk that it is awful hard to beat those farm boys.

[Translation]

WORLD THEATRE DAY

Hon. Viola Léger: Honourable senators, today, March 27, is World Theatre Day. Performers throughout the world are showing their audience how this art form can contribute to understanding and peace among different peoples. War, in all forms, is nothing more than our dehumanization.

• (1340)

In my own way, I want to celebrate World Theatre Day through the voices of different stage characters. In these impossible times, here are a few excerpts from the *Hymn à l'Espoir*, a song by Edith Butler:

One day, one day perhaps,
True friends we will be.
I can already see the light
Coming from the night.

One day, one day perhaps,
United the world will be.
I can already feel the joy
Springing inside of me.

Hope at our windows,
Hope that one day perhaps,
The beautiful sun will rise
Shining freedom in our eyes.

One day, one day perhaps,
Soldiers and storms no more
And we will have true courage
As we ne'er did before.

One day, one day perhaps,
When our chains have fallen
I will say how much I love you
From my heart so smitten.

Hope at our windows
Hope that one day perhaps,
The sun will rise
In freedom at long last.

[English]

One of my favourite characters is Grace from the beautiful play *Grace and Gloria*. Grace is 90 years old and dying of cancer. Here is her last message:

Maybe it's like this...like this sweater. I mean the way everythin' in this whole world is, you know, connected. Like stitches in this sweater. See, each one, they ain't much by

themselves, but you break even one and the whole sweater falls apart... I think that's all God wants any of us to do, honey. Hold on. To each other and to this sweet earth He give us with all our might. Guess that's 'bout all I got to say. I love you.

Thank you.

INTERNATIONAL CONVENTIONS

Hon. Gérald-A. Beaudoin: I think I may be allowed to thank Senator Léger.

Honourable senators, yesterday, I referred in my statement to conventions and treaties signed by Canada and related to war. I mentioned specifically the convention on prisoners, but there are others, such as the one dealing with civilians.

In addition, since the Universal Declaration of Human Rights in 1948, Canada has signed many international documents on political and civil rights that have become a bible on rights and freedoms. We know that we have to implement those conventions to change the law of the land, as our court of last resort declared in 1937; but we have failed so far to modernize our system of implementing treaties. However, we must do so.

Treaties should not only be signed; they should also be implemented. Furthermore, they should not only be implemented; they should be seen to be implemented.

After the Easter break, I intend to return to this important question of the implementation of treaties in Canada. We must make progress in that field.

THE LATE UNITED STATES SENATOR DANIEL PATRICK MOYNIHAN

TRIBUTES

Hon. Lise Bacon: Honourable senators, I should like to say a few words to pay tribute to Daniel Patrick Moynihan, a former United States senator who died yesterday, at the age of 76.

Mr. Moynihan was both a respected scholar and a gifted politician, with a sense of the real world. An academic, he was Government Professor at Harvard University's Faculty of Arts and Sciences from 1966 to 1977, and also Director of the Joint Centre for Urban Studies at Harvard and Massachusetts Institute of Technology.

He was elected to the United States Senate as a New York senator in 1976 and was re-elected in 1982, 1988 and 1994. His career represented an extraordinary combination of intellectual distinction and devotion to public service.

Mr. Moynihan was always involved in national and international debates on issues of importance. We could say, in fair justice, that he made profound contributions to the life of the mind and the life of the nation.

Daniel Patrick Moynihan was born in Tulsa, Oklahoma, in 1927, the son of a newspaperman. He spent his childhood in New York, living in hard times with a lot of instability. Nevertheless, he graduated first in his class at Benjamin Franklin High School and went to Tufts University, earning a bachelor's degree, and a master's from Fletcher School of Law and Diplomacy. In 1950, he went to the London School of Economics as a Fulbright scholar.

Mr. Moynihan's career spanned more than four decades. After university, in 1954, he worked on Averell Harriman's successful campaign for New York governor and served on his staff until 1958.

He began working in the federal government in 1961 as an assistant to the Secretary of Labour in the Kennedy administration, rising to the position of Assistant Secretary of Labour for Policy Planning. Later, he served in the Johnson, Nixon and Ford administrations in cabinet-level positions.

While working in government, his interests in social issues began to rise. In a paper he wrote in 1965, he argued:

Despite the success in passing civil rights laws, statutes could not ensure equality after three centuries of deprivation.

In those years he wrote a lot about the African-American family.

After serving as the United States Ambassador to India and as representative to the United Nations, he entered politics, running for the New York Democratic nomination to the Senate and winning the general election easily. With his wife, Elizabeth Brennan, in charge of each campaign, he won three re-elections.

As a freshman senator, he got a seat on the prestigious Finance Committee — he would become chairman in 1993 — and on the Intelligence Committee.

During his legislative career, Mr. Moynihan focused his mind on an incredible array of complex questions, from poverty and family structure to secrecy in government, never neglecting international law issues, architectural preservation and tax policy. During the Cold War, he was very preoccupied with United States-Soviet Union relations.

In his book *On the Law of Nations*, he wrote:

The American legacy of international norms of state behaviour is a legacy not to be frittered away.

Last year, Mr. Moynihan was invited to speak at the Harvard University commencement ceremony. He was presented as "A quintessential scholar-statesman whose capacious learning and independence of mind have shaped our national conversation; to complex questions of consequences his answers are never pat."

[Later]

Hon. Jeremiah S. Grafstein: Honourable senators, I did not mean to interject, but I had heard the very eloquent comments by our colleague Senator Bacon in tribute to the late Senator Moynihan. I had the pleasure of meeting him. I can say, to those senators who did not know him, that he was a great constitutionalist, a great moralist, a great social advocate and a great friend of Canada.

I commend his books to all senators. He wrote 19 books, I believe. The book that I have on my desk and commend to each and every senator, because it is most pertinent in our debates today, is the one to which Senator Bacon has just referred, entitled, *On The Law of Nations*. He wrote about just and unjust war. It would be instructive for every senator to read that book. It would help them understand the difference between international law and international politics.

CANADA WINTER GAMES 2003

Hon. Gerry St. Germain: Honourable senators, I rise today to pay tribute to all the athletes, volunteers, organizers and spectators who took part in the Canada Winter Games, held earlier this month in Campbellton, New Brunswick.

Honourable senators, once again, Canada's Winter Games were a huge success. The games showcased 3,200 young up-and-coming Canadian athletes from the 10 provinces and three territories, competing in 21 sports. These athletes showed their talent, energy and the healthy competitive spirit that exists in all corners of our great country.

British Columbia is known for its beautiful winters, and especially for its winter sports. Many athletes who have honed their skills at the B.C. Winter Games then go on to represent their province at the Canada Winter Games. In turn, they seek the gold in the international Olympic Games.

Honourable senators, a young British Columbian athlete went to the Canada Winter Games 2003 with one goal in mind: He wanted to bring a medal home. Fourteen-year-old Calvin Lefebvre of Surrey, B.C. rose to the occasion and skated on to the ice with all the confidence of a professional and proceeded to skate to a gold medal performance in the men's pre-novice singles figure skating competition. British Columbia finished the games in fourth place with 69 medals: 11 gold, 27 silver and 31 bronze.

Honourable senators, the spirit of competition is alive and well, and British Columbia is very hopeful that the IOC will soon award the 2010 Olympic Winter Games to Vancouver-Whistler.

TENTH ANNUAL ABORIGINAL ACHIEVEMENT AWARDS

Hon. Thelma J. Chalifoux: Honourable senators, today and tomorrow are very special days for showcasing Aboriginal communities and our people's achievements in Canada.

• (1350)

Suncor Energy, Syncrude, Petro-Canada, TransCanada PipeLines and Nexen are jointly hosting a reception this evening, from 5:30 to 7:30, in Room 160-S. Please join the industry leaders, the Aboriginal leaders and our young people this evening, in celebration of the Tenth Annual Aboriginal Achievement Awards, which are taking place tomorrow night at the National Arts Centre in Ottawa. The awards have become a Canadian showcase of talent and career achievements of our Aboriginal people.

Honourable senators, I hope that you will all join us this evening in Room 160-S.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of a senator from the French community of Belgium, Paul Galand. We welcome you. Senator Galand is a guest of the Honourable Senator Losier-Cool.

[English]

ROUTINE PROCEEDINGS

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, March 27, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-3, *An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act*, has, in obedience to the Order of Reference of Tuesday, March 25, 2003, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

E. LEO KOLBER
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Fitzpatrick, bill placed on the Orders of the Day for third reading, at the next sitting of the Senate.

[Translation]

STUDY ON MATTERS RELATING TO STRADDLING STOCKS AND TO FISH HABITAT

REPORT OF FISHERIES AND OCEANS COMMITTEE PRESENTED

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, March 27, 2003

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

THIRD REPORT

On November 6, 2002, your Committee was authorized by the Senate to examine and report from time to time upon the matters relating to straddling stocks and to fish habitat. This is the first report of your Committee under this Order of Reference.

On March 17, 2003, the Newfoundland and Labrador All-Party Committee on the 2J3KL and 3Pn4RS Cod Fisheries made public a Position Statement titled *Stability, Sustainability and Prosperity: Charting a Future for Northern and Gulf Cod Stocks*. That day, the All-Party Committee briefed members of your Committee on its Position Statement. On March 25, 2003, your Committee heard further testimony from the Government of the Province of Newfoundland and Labrador. As a result of these meetings, your Committee endorses the general principles of the Position Statement of the All-Party Committee.

Because stocks of northern (2J3KL) and Gulf (3Pn4RS) cod have been critical components of the modern fishery of Newfoundland and Labrador, your Committee is of the view that a closure of those two fisheries would create economic uncertainty and cast a shadow over the future of the Newfoundland and Labrador fishery.

Comprised of representatives of all political parties in the House of Assembly of the Province of Newfoundland and Labrador, members of the House of Commons and all six of the Province's Senators, the All-Party Committee was able to form a unanimous position on the actions necessary to aid the recovery of northern and Gulf cod stocks.

Lastly, your Committee notes that assessments indicate that the northern cod stock is at its lowest level in recorded history, and that assessments of other species of Atlantic groundfish show that they continue to be at, or very near, historically low levels.

Your Committee therefore recommends that the Government of Canada act immediately to implement a multi-faceted plan to rebuild the northern and Gulf cod stocks based on the All-Party Committee's Action Plan.

Your Committee further recommends that, in accordance with Point 4 of the Action Plan, the Government of Canada establish a Prime Minister's Task Force on the Atlantic Ground Fishery to identify the reasons why Atlantic groundfish stocks are not recovering, and to present solutions to ensure stock recovery and conservation.

Respectfully submitted,

GERALD J. COMEAU
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Comeau, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would ask for leave of the Senate to first discuss the adjournment motion, and then resume with government notices of motions, inquiries, and motions.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Prud'homme: No.

The Hon. the Speaker: Permission denied.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. Shirley Maheu: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and

- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003.

CANADA-EUROPE TRADE RELATIONS

NOTICE OF INQUIRY

Hon. Raymond C. Setlakwe: Honourable senators, I give notice that on Tuesday, April 8, 2003:

I shall call the attention of the Senate to Canada-Europe trade relations.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

WAR WITH IRAQ—MONITORING OF VIOLATIONS OF INTERNATIONAL CONVENTIONS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the name Henry Dunant is associated not only with the founding of the International Red Cross but also with the development of international humanitarian law, including the Geneva Conventions.

My question to the Leader of the Government in the Senate is the following: Is the Government of Canada monitoring very closely the respect for international humanitarian law and the Geneva Conventions during the tragic conflict that is occurring in Iraq? In particular, is the Government of Canada monitoring the violations of the Geneva Conventions in terms of the treatment of prisoners of war and the use of civilians as human shields? If so, what action is the Government of Canada taking? Is it, for example, calling in the Iraqi envoy to Canada to express the concern of the Government of Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, not only is the Government of Canada watching very closely the activities taking place in Iraq, but so, too, are the Canadian people. They find that, should violations be made in terms of the Geneva Convention with respect to prisoners of war, and also civilians, being used as human shields, an unacceptable practice. However, I think it is also clear that while we hear certain reports of certain activities taking place, we then frequently hear reports, some hours later, that those original reports were not, in fact, evidence of what has taken place.

• (1400)

We must be sure to watch very carefully, as the honourable senator has suggested, to find evidence, if such evidence exists, to ensure that we have a thorough picture before any judgments are made.

Senator Kinsella: Honourable senators, in regard to the continued presence in Canada of a consul for Iraq, has the Government of Canada summoned the consul to the Department of Foreign Affairs to let that envoy know, in very clear and certain terms, the Canadian government's position?

Senator Carstairs: Honourable senators, the Canadian government's position with respect to the Geneva Convention has been clear for a very long time. If the Government of Canada believes such violations are taking place, that will be the appropriate time to make those views known to the representatives of Iraq here in the country of Canada.

However, as I indicated in my first question, let us not be too quick to judge when we know that the so-called facts seem to be changing almost on an hourly basis.

Senator Kinsella: Honourable senators, could the minister simply tell us whether the Iraqi consul has been summoned by the Department of Foreign Affairs, yes or no?

Senator Carstairs: To the best of my knowledge, the Iraqi consul has not been called, and to the best of my knowledge to this point, there is no proof of any reason as to why he should have been called.

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on a different topic but relating to the same theatre, is the Government of Canada looking into the possibility of deploying a field hospital unit to Northern Iraq or to some area near the Iraqi conflict so as to be of humanitarian assistance either to injured coalition troops or to injured Iraqis?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, yesterday the Government of Canada announced \$100 million to go to the United Nations, monies that will be used through such organizations as the Red Cross and Red Crescent, because they are on site at this time, in order to provide the humanitarian aid that is so necessary at this time.

In terms of the specific question of whether the Government of Canada is to set up a field hospital, they have not been requested to do so by the United Nations. The government was asked, at this time, by the United Nations, to provide dollars. They have provided those dollars so that aid can be delivered through programs that are close or on site at this time.

Senator Kinsella: Honourable senators, I have one final supplementary question. Often, we hear the Government of Canada saying, "Well, we will do things if the United Nations decides." Surely, the minister would agree, however, that the United Nations is an organization made up of sovereign states and what the United Nations decides is based upon what the member states of the United Nations decide. Therefore, the question becomes, "Will the Government of Canada offer to the United Nations a field hospital?" rather than sitting back passively and saying, "Oh, well, if they ask, we might consider it." Would the Government of Canada be a little more proactive?

Senator Carstairs: With the greatest respect, senator, how more proactive can \$100 million be?

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary to that question. I commend the government for giving \$100 million to the United Nations and I hope that Canada will encourage the United Nations to move quickly. Does Canada have a plan, in addition to the United Nations' aid, for delivering aid immediately into the war zone? Has Canada given any thought to taking a lead in mediating corridors of peace, or even days of peace, for the delivery of aid, as was done effectively in El Salvador, in Ethiopia and in the Sudan in the 1980s?

Senator Carstairs: Honourable senators, with the greatest respect to the honourable senator, when we provided aid to Ethiopia we were not dealing with a war, we were dealing with a famine. There are significant differences in what is going on with respect to the situation at this time in the country of Iraq. They are at war. There are open hostilities there. We have committed ourselves to the United Nations process in this particular endeavour. We will provide the aid as requested by the United Nations and we will provide anything else that the United Nations, of which Canada is a member, in particular, a participating member in the organization and structure of the aid that is being provided.

Senator Andreychuk: Honourable senators, for the record, it was not a famine. Ethiopia has unfortunately suffered many famines and governments have used food as a weapon and redirected aid, but that was not the situation. It was a war between Eritrea and Ethiopia, and Canada was involved in negotiations, irrespective of the fact that the UN had its own program.

I take it from the minister's answer that Canada has no program of help, either during or after the war, that is independent of the United Nations or that would be complementary to the United Nations. Is that correct?

Senator Carstairs: Honourable senators, I must say I am astounded. I have heard the honourable senator, time and again, stand up in this chamber and convince us, I think, that we should be very much a part of internationalism and multilateralism, particularly as those concepts relate to the United Nations, whether it be treaties, planning conferences, or engaging in activity, and now she seems to be criticizing the very thing she has stood for, which is working with the United Nations.

Senator Andreychuk: Honourable senators, with respect, I am not criticizing the United Nations. I am criticizing the Canadian government's lack of initiative. I have been pleading that Canada become one of the initiators within the United Nations, other than giving money. I have not received a response or an indication that Canada has been an initiator within the UN. Then my next question is: Can we do something complementary?

Multilateralism is not just a United Nations' initiative; it is also working cooperatively within the UN and finding windows of opportunity for Canada. That is how we would support and reinforce internationalism. The United Nations often asks for people to work unilaterally, bilaterally and regionally with them. I am simply asking that Canada find a role to help the people of Iraq.

Senator Carstairs: Honourable senators, the United Nations came to Canada and said, "We need money for a plan." The United Nations got the following response: "Yes, we want to be part of that plan and here is our \$5.6 million in order to help you in your planning process, of which we are a part."

As a result of that planning process, the United Nations came back and said, "We need money now to put into place the plan that we have all worked on together," including Canada. Canada immediately announced that it would make a \$100-million contribution towards that plan. For the honourable senator to stand and argue that Canada has not been part of the planning, and therefore of the carrying out of humanitarian aid, is simply not true.

Hon. Douglas Roche: Honourable senators, I hope I will not be interpreted as being churlish when I ask where the \$100 million is coming from. I support the contribution, and I think many Canadians will support Canada doing everything it can do in the United Nations context to help alleviate the distress that is now being created in Iraq. However, I would like to know whether any of that \$100 million came from existing programs that CIDA is running in developing countries?

• (1410)

Senator Carstairs: Honourable senators, as I indicated to the honourable senator the other day, it is my understanding that this money will come from funds the department has to meet emergencies and specific events that occur and not to those lined programs to which funding has been attached.

Senator Roche: Honourable senators, perhaps there was a press release from CIDA and I did not see it this morning. It would help if an explanation were given. It is a significant amount of money.

Honourable senators, this morning at their joint press conference, President Bush and Prime Minister Blair said that they had agreed upon the reinstatement of the Oil-for-Food Program in Iraq under United Nations' supervision. Mention was also made, during the conference, that the question of the governance of Iraq after the war has not been settled. What is the position of the Government of Canada on who should be the governing authority in Iraq after the war and before a proper election can be organized? Should it be the United States or the United Nations?

Senator Carstairs: Honourable senators, the government's position has been very clear. It should be the United Nations.

The Hon. the Speaker: Honourable senators, I have a list of questioners. I will make the observation that we should respect the sequence of questions as being the main question and supplementaries. However, I would ask honourable senators to not rise on a supplementary and then ask a new question. Please wait the proper turn. I have honourable senators on the list so that a new question can be put in the proper order. There is a method to the way in which I recognize senators.

Hon. Pierre Claude Nolin: Honourable senators, I return to the question on field hospitals. Has the government been requested to provide such a service?

Senator Carstairs: Honourable senators, I am sorry, but we have had a number of questions. To which service is the honourable senator referring?

Senator Nolin: I am referring to the field hospital that Canada could provide and is very good at providing. Has Canada been asked by the UN to provide such a service?

Senator Carstairs: To my knowledge, we have not been asked.

Senator Nolin: Honourable senators, the minister said earlier that a plan was being drafted and established. According to that plan, which country will be asked to provide such a service?

Senator Carstairs: Honourable senators, I do not know. I do know, as was announced in the press release today or late yesterday, that the determination was made that there were NGOs on site that had the services available and that the funds would go to those services.

WAR WITH IRAQ—HUMANITARIAN AID— PRIME MINISTER'S COMMENT

Hon. A. Raynell Andreychuk: Honourable senators, yesterday, in response to a question about humanitarian aid to Iraq, the Prime Minister said, in the other place, that:

...we are well enough connected at the UN for people to be very aware of Canada's position.

Louise Fréchette, second-in-command at the United Nations, is a former deputy minister of the Canadian government. I am certain that once we want to discuss our plans with the United Nations, we will be in a very good position to do so.

Could the Leader of the Government in the Senate explain the Prime Minister's comments?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is very clear that our representation at the United Nations is of the highest professional level. Not only do we have Madam Fréchette there, but we also have our ambassador to the United Nations who, in my view and that of all in this chamber, I would hope, was quite remarkable in his presentations and speeches given to the United Nations leading up to the final lack of decision, if you will, as he tried over and over to provide compromises. I must say that I was struck with the dedication of effort of Mr. Heinbecker throughout that period of time.

Honourable senators, it is very clear that the Secretary-General of the United Nations knows that we have the expertise based on our contributions to date. The Secretary-General is also well aware of the generosity of the Canadian people. It is never the money of the government; it is always the money of the people of Canada.

I feel strongly that the people of Canada will very much support the \$100 million that the Government of Canada has pledged on their behalf to this humanitarian aid.

Senator Andreychuk: Honourable senators, on a supplementary, I want to go on record that I think Ambassador Heinbecker is one of the best diplomats that we have in the service. He has served Canada very well.

He has served us well before and during these discussions. I have the utmost confidence that he will continue to serve us well. He is obviously the correct person for Canada to put forward in any debate, whether on the reconstruction, aid or political plan. He is definitely the contact point.

Honourable senators, I would appreciate an answer to my question. I should like to know what the Prime Minister meant when he said:

Louise Fréchette, second-in-command at the United Nations, is a former deputy minister of the Canadian government. I am certain that once we want to discuss our plans with the United Nations, we will be in a very good position to do so.

Could I have an answer to that question? What did the Prime Minister mean by addressing Louise Fréchette in that manner?

Senator Carstairs: Honourable senators, clearly, the Prime Minister meant what he said.

Senator Andreychuk: Louise Fréchette is an international civil servant. Her position is extremely important. She must be extremely neutral as a United Nations international civil servant. Are we to read into this comment, in any way, that her neutrality will not be respected?

Senator Carstairs: Honourable senators, no, there is no need to read anything into the comment except that this is a distinguished Canadian citizen who now plays a role on the international stage but will not, in my view, forget her deep Canadian roots.

JUSTICE

FIREARMS CONTROL PROGRAM— LEGAL CHALLENGE—COST TO GOVERNMENT

Hon. Gerald J. Comeau: Honourable senators, for the past number of days, I have been asking questions on the backgrounder to Canada's gun control program. In the backgrounder, the Department of Justice refers to one of the court challenges that went to the Supreme Court of Canada as being one of the costs that added to the \$688 million spent to the end of 2002-03.

Would the Leader of the Government know the amount of the legal costs of the challenge faced by the government? Did the government engage outside legal firms to deal with this case? If so, which firms were hired? How much did each firm charge? Were any or all of these costs charged to the firearms program?

[Senator Carstairs]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, those are very specific questions. They would more appropriately be put to the representatives during the examination of the Estimates. However, I will try to obtain the information for the honourable senator.

• (1420)

FIREARMS REGISTRY—ACCESS OF FOREIGN LAW ENFORCEMENT AGENCIES

Hon. Gerald J. Comeau: Honourable senators, I will ask a specific question, the answer to which I am sure the leader will know. The backgrounder also refers to a National Weapons Enforcement Support Team and the great work this joint team does with U.S. enforcement authorities, which, as I understand it, led to the arrest of a Texas truck driver who was selling guns in Canada. I suppose we should all applaud this initiative. One thing that concerns me in this regard is that the Canadian government must share some of the private information that is given to the gun registry when Canadians apply for a gun registration. Canada provides access to the database. I am sure the minister would be aware of this.

Would the minister indicate whether foreign law enforcement officials are using the database on a regular basis? Is there any way to ensure that the information from the database that is being accessed by foreign police officials is being destroyed once it is used?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is no question that law enforcement agencies across Canada have made use of the registry. My figures on this issue indicate that they have done so 2.3 million times since December 1, 1998. In the past year, the National Weapons Enforcement Support Team has assisted with almost 3,000 police investigations, conducted more than 1,800 firearms traces and provided about 500 lectures to the policing community.

As to the specific question which the honourable senator asked about foreign governments and their access to the data bank, I do not have an answer for him, but I will inquire and provide that information to him.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. For weeks and months, I have been voicing the concern, on behalf of my constituents and I believe on behalf of all Canadians, over the erosion of our relationship with the United States. The answers and responses that have come forth have been fairly cavalier and the questions were dismissed as nonentities.

Would the minister not now agree that if there were not a breakdown in the relationship with our American friends, our largest trading partner, that at least the relationship is strained?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the United States and Canada are both sovereign countries. As sovereign countries, there will be, on occasion, disagreements between them. There will also be occasion where there is no disagreement between them, when everything is sweetness and light. However, if anyone has done a study of Canada-United States relations within the past 40 years, it becomes apparent that various governments, whether Conservative or Liberal, have had moments of disagreement. Perhaps the exception to that was the time of former Prime Minister Brian Mulroney, but then he lost the support of the Canadian people.

Senator St. Germain: Honourable senators, I do not believe former Prime Minister Mulroney lost the support of the Canadian people, but I will not dispute that at this time. Prime Minister Brian Mulroney provided excellent leadership and a thriving economy for the Liberals to take over and run for the last ten years.

Honourable senators, my question is this: Yesterday, the minister lectured us on how we should conduct ourselves in regard to the situation that has arisen between the United States and Canada. Yet, today, I read again — and I hope I am correct and I am sure we can trust the press on something like this — that some Liberal backbenchers have called for the censure or expulsion of U.S. Ambassador Paul Cellucci for publicly denouncing the refusal of Canada to participate in the war in Iraq, when Ambassador Cellucci was simply citing what his country expects of us as neighbours and allies.

The other comment was from Liberal M.P. Alexander Shepherd, who said that Mr. Cellucci could use a wake-up call from history. If this is not an added problem and a further degeneration to the horrific situation that is developing between our two nations, what is?

Senator Carstairs: Honourable senators, it is very interesting that when the Honourable Senator Kinsella made exactly the same point before I made the point, yesterday, about using temperate language, it apparently was not a lecture. However, when I agree with the honourable senator opposite that we should use temperate language, somehow or other, to the honourable senator it becomes a lecture. That seems to be a double standard that I do not particularly like.

In regard to the comments of the Ambassador from the United States, there were several Liberal members who made comments. I was not one of them. I made comments in this chamber. I hope I am not lecturing, but once again I would be prepared to say, to each and every honourable senator gathered in this chamber, that I believe it behooves us all to use temperate language.

Senator St. Germain: Honourable senators, I agree with the minister. However, like two sovereign countries, we may disagree, and I disagree with her. My disagreement arises by virtue of comments by people from the government side. Those comments are not coming from people on this side or from anywhere else.

My final supplementary question is this: I am receiving calls from British Columbia, where many businesses export goods to the United States. Some of these businessmen are being asked

about what is going on in Canada. It is not that Americans cannot understand that the government perhaps has taken a position different from the United States, but they are concerned about the rhetoric and the abusive language that is being directed towards them as Americans. There have been cancellations of numerous orders. The manufacturers associations in this country are attempting to organize a meeting in Washington within the next month to deal with this issue.

Americans are just not accepting certain items made in Canada. What is the reaction of the minister to this situation?

Senator Carstairs: Honourable senators, it would be unfortunate if orders were cancelled by citizens of one sovereign country because they did not agree with the decision that another sovereign nation made in what it considered to be in the best interests of its citizens.

There are always a great number of reasons why companies cancel contracts, not the least of which, I would suggest, is that the economy of the United States is not very vibrant these days. That may well have much more to do with the cancellation of contracts than anything else.

OFFICIAL REPORT

CORRECTION

Hon. Marcel Prud'homme: Honourable senators, I do not wish to return to the events of yesterday; yesterday is yesterday. However, there is a matter of some embarrassment for me that I should like to address.

I spoke in English yesterday. For those who read our proceedings in French, they may not recognize my words. I do not wish to criticize our translators, because they do a remarkable job. To translate my speeches must be worth many medals sometimes. However, at the end of a vigorous exchange yesterday, I said:

However, we will get even. Do not worry.

There is an expression in French, "couramment." Instead, my words were translated in French as:

[Translation]

Ne vous en faites pas, nous nous vengerons.

Frankly, honourable senators, the wording is a bit extreme.

[English]

Given the intelligence of the translators, I would like them to see if they could find different words.

When I say that I will get even, it is somewhat like I did a moment ago when I refused my consent. Unintelligently, I said "no."

• (1430)

Now I know Senator Robichaud will ask for consent, and I will say "yes." That means I am not a vengeful person. However, in French the phrase is extremely embarrassing. My sister called me and said, "Did you say you are going to —"

— seek revenge? Are you out of your mind?

It is not in my style; it is not in the Senate style. That will be all as far as the incident of yesterday is concerned. I registered my position. I did not like very much being lectured by others, including Senator Kinsella, telling me that I can speak at third reading as if I am a child who does not know the rules. I know I can speak at third reading. I knew that a long time ago. I could have spoken also at second reading. I was waiting for the words of wisdom of Senator Atkins.

As I said last week, I wanted to speak after Senator Atkins because he is a man who is a little more calm than I am. Do not think all the French are getting wild. I have something in common with my dear friend Senator Buchanan. He and I had better watch our hearts. When we go, we go for real, but we back off in due time.

The incident of yesterday, as sad as it is, is finished. It is registered. I know I can speak at third reading. I wanted to speak at second reading. Yesterday is yesterday. Now we live for today. Perhaps someone can help me out with this —

Nous nous vengerons...

I do not know how one can cope with that. I leave that in the good hands of the staff to see if they can come up with something that will make me look a little bit better in French.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, without being absolutely certain of the response that will be forthcoming, but taking advantage of the invitation from the Honourable Senator Prud'homme, I seek leave of the Senate to revert to Government Notices of Motion, after Orders of the Day, Motions and Inquiries, in order to discuss the adjournment motion.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Before the adjournment we will revert to Government Notices of Motion.

[Senator Prud'homme]

ORDERS OF THE DAY

APPROPRIATION BILL NO. 4, 2002-03

THIRD READING

Hon. Joseph A. Day moved the third reading of Bill C-29, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003.

He said: Honourable senators, we had full discussion at second reading of this particular bill, Appropriation Act No. 4, which is the final government appropriation bill, or supply bill, for the fiscal year ending March 31, 2003.

This bill is based on the Supplementary Estimates that have been considered by your Standing Senate Committee on National Finance. The report was presented by the committee chair, Honourable Senator Murray, and adopted by this chamber yesterday. I do not propose therefore to debate this particular bill any further at this stage. I would ask for the support of honourable senators for this supply bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to ask a question of the Honourable Senator Day. Was the honourable senator able to determine, since our discussion at second reading, whether the \$59.4 million being sought in this bill for firearms registration is that vote that appears as vote 1b) on page 16 or 17?

[Translation]

In the French version, it is Annexe 1, on page 17, under 1b), Justice — Dépenses de fonctionnement.

[English]

There it is saying \$68 million. Is that where the \$59 million is?

Senator Day: I thank the honourable senator for his question. My understanding today is as it was yesterday. The \$59 million is included in Justice vote 1 and vote 5.

Hon. Terry Stratton: Honourable senators, I am pleased to rise to speak at third reading of Bill C-29, Appropriation Act No. 4, for 2002-03.

The Estimates are part of the overall fiscal framework of the government. In this regard, I want to touch upon two things that I did not speak to at second reading of this bill. First, I will speak to some rather notable omissions from the two supply bills we are debating today. Second, I want to draw the attention of the Senate to the rather sharp increase in spending of the government generally over the past few years and, in particular, the massive increase in spending on the Canadian Firearms Program.

Honourable senators, on pages 224 to 227 of the budget plan, you will find 16 spending items that are being booked to this current fiscal year. These total some \$6.4 billion. There is also a non-budgetary equity infusion of \$102 million to the Business Development Bank of Canada.

Of these, only two items can be found in their entirety in Supplementary Estimates (B): \$113 million announced for veterinary colleges and \$270 million in new defence spending. There are also two items partially but not fully reflected in the Supplementary Estimates (B). These are \$308 million of the \$353 million promised for international assistance and \$2 million of the \$4 million promised to the World Summit on Sustainable Development. This accounts for less than \$700 million of the \$6.4 billion in the new spending program set out in the budget.

This leaves \$5.7 billion to be explained including, for example, \$2.5 billion CHST supplement; \$1.5 billion Diagnostic and Medical Equipment Fund; \$50 million to the Canadian Foundation for Climate and Atmospheric Sciences; \$600 million to Canada Health Infoway Inc.; \$25 million to the Canadian Health Services Research Foundation; \$70 million to the Canadian Institute for Health Information; \$500 million to the Canadian Foundation for Innovation; and \$75 million for Genome Canada.

However, the Estimates to date for fiscal year 2002-2003 total \$174.8 billion; that is \$1 billion shy of the outlined total spending of \$175.8 billion in the budget.

Add the \$5.7 billion that is missing from the Supplementary Estimates (B) to the \$174.8 billion and you get a total spending of \$180.5 billion and not the \$175.8 billion of the budget.

The difference is \$4.7 billion. The press release accompanying the Supplementary Estimates assures us that:

The amounts proposed in these Supplementary Estimates (B) are consistent with the total planned spending levels of \$175.8 billion for 2002-2003 set out in the federal budget of February 18, 2003.

If these figures are consistent, how does the government account for the missing \$4.7 billion? Presumably, accounting rules have something to do with this but nowhere does this government provide Parliament with an explanation.

• (1440)

The government has just introduced the Budget Implementation Act 2003 in the other place. It will, among other things, approve the payments to the foundations. These actually fall under a subheading in the bill that reads "Appropriations for Grants." Parliament is going to appropriate money next year, to be booked to this year, but not through the supply process. The budget was a few days too late for Supplementary Estimates (B), and rather than bring in Supplementary Estimates (C), they went another route.

The Budget Implementation Act 2003 runs some 139 pages and deals with not only the latest grants to foundations, but also with everything from GST on reserves to the way interest is calculated on overdue tax accounts. There is page after page of unrelated items — RRSPs, student loans, EI premiums the Canada Labour Code, tobacco taxes, the Debt Servicing and Reduction Act, the CHST — that we will be asked to pass as a single bill before the

end of June, leaving little room for scrutiny of the individual items.

Last April, the Auditor General reported on the various foundations that the government has set up in recent years. She found no end of problems, a few of which were addressed in the budget.

A key observation that the government has chosen to ignore concerns the way the government books its payments to these foundations. In her report, she wrote:

The government has treated the \$7.1 billion in transfers to foundations as an expenditure. At 31 March 2001, however, almost the entire amount was still in the bank accounts and other investments of the foundations. Very little of it had actually been received by the ultimate intended recipients, namely the innovators, students, and health care providers. In substance, then, the \$7.1 billion, or most of it, is not really an expenditure of the government.

She went on to say:

The recording of these transfers as expenditures is an accounting treatment that enables the government to report a lower annual surplus. On several occasions, this Office has stated its view that decisions to transfer such significant amounts of taxpayers' money should be based on sound economic and policy analysis; they should not be made to achieve a desired accounting result such as reducing the reported annual surplus. We have said that this accounting treatment compromises the integrity of the government's reported financial results.

Honourable senators, this brings me to my second point: The rather sharp increase in spending in recent years and the very real danger that the government may have to borrow more money in the future.

On the surface, the fiscal projections in the recent budget look good. Everything is in balance. However, there is another story if you look a little deeper. In its February 18 budget, the government changed its accounting rules and will now record its revenues and expenditures on a full accrual basis. One consequence of these new accounting rules is that an extra \$3.1 billion magically appeared in this year's ledger.

The Minister of Finance, of course, rushed out to spend it. The accountants waved a magic wand and made \$3.1 billion appear, and then "Manley the Magician" made it disappear.

The budget, after taking into account contingencies and a range of last minute spending initiatives, projects a balance of zero this year.

The basic arithmetic is simple: Subtract the \$3.1 billion gained from the new accounting rules from the projected zero budgetary balance and the result would have been a \$3.1 billion deficit this year if the government was still using the old accounting rules.

After reading the February 18 budget, Canadians could be forgiven if they forgot that a time warp had taken them back to the 1970s. Program spending over the last three years has climbed by 30 per cent, including an 11.5 per cent hike in the fiscal year that is now drawing to a close. I repeat, an 11.5 per cent increase!

The last time program spending rose by more than 10 per cent was in 1984, the year the P.C.s took over from the Liberals. That was two decades ago and, by the time Michael Wilson was sworn in as finance minister in mid-September 1984, it was too late to do much about the books for that year. The train had already left the station.

In the years that followed, annual program spending growth fell to a cumulative average of 3.6 per cent during the P.C. mandate — below the rate of growth in the economy, and well below the 13.6 per cent average of the Trudeau years.

This year, February 18 was budget day. In 1976, February 18 was the day when Jean Chrétien, as President of the Treasury Board, stood in the House of Commons to say that a 16 per cent hike in the Main Estimates reflected “great restraint on new expenditures.” A few months later, the Auditor General declared that Parliament had lost control of the public purse.

During his two-year stint as President of the Treasury Board, Jean Chrétien oversaw a 34 per cent increase in salaries and wages; a 28 per cent hike in transportation and communication costs; a 43 per cent jump in the government’s rent bill; a 53 per cent leap in machinery and equipment outlays; and, a 38 per cent rise in bills for professional and special services.

Can anyone on the government side assure the Senate that this 11.5 per cent program spending hike is not a precedent, and that we will not have this kind of spending increase year after year, and that Jean Chrétien or his likely successor Paul Martin will not soon be again telling Canadians that double-digit spending hikes represent great restraint?

The bottom line is that this year’s increase in program spending is the largest since the Trudeau era. If it becomes a precedent, then we may well be back to the days where the government had to borrow year after year. Part of this has been the escalating costs of the Canadian Firearms Program, now expected to reach \$1 billion by 2004-05. I am concerned that the overall spending habits of this government may well follow the pattern of the firearms program.

Honourable senators, the government is close to needing a bill to allow it to borrow money. Anyone who has ever run a business is familiar with the term “cash flow.” You can be making money on paper while bleeding hard, cold cash. I remember the days. For example, you may have sold a case of widgets but, until your customer pays, all you have to show for it on your balance sheet is an account receivable. You have to borrow money to pay your bills, even though you are reporting a profit to your shareholders.

In the case of the government, there are the financial requirements, a measure of the cash that actually goes in and out of government coffers. The government has booked about

\$6 billion to this current fiscal year that it does not expect to go out the door until the coming fiscal year. These are the transfers to the provinces and the payments to foundations. This affects next year’s financial requirements and not this year’s, despite the accounting treatment.

Subtract all the pre-booked spending from the projected zero balance for next year, make a few other adjustments, and the budget tells us that the net result is a financial requirement of some \$5.8 billion next year and \$2.1 billion in the subsequent year. Furthermore, in spite of the budget’s forecast of a financial source of \$3.4 billion in the year now ending, in the first 10 months of the fiscal year there was a financial requirement of \$3.8 billion.

The government does not have the ability to borrow \$4 billion left over from borrowing authority granted in 1996 and there is a fair bit of contingency built into the budget. Therefore, for the moment, they will sit tight.

However, there are three things that could force them to come to Parliament for more borrowing authority.

First, there are the foreign reserves. In recent months, the dollar has been rising. If the Bank of Canada feels that the dollar is rising too rapidly, it will try to slow that rise by selling Canadian dollars and buying U.S. dollars. The effect of selling those Canadian dollars is to increase the financial requirements as the money comes from Ottawa’s bank account.

Second, the economy could slow enough to eat up the contingency set out in the budget or interest rates could rise faster than assumed in the fiscal plan.

• (1450)

Third, there could be more legacy-inspired spending. In short, this year’s year-end spending blitz could be next year’s fiscal shortfall.

In his budget, the Minister of Finance talked about transparency. However, like his predecessor, he only gave us a two-year fiscal projection in his budget. Many of the spending promises set out in the budget extend over several years. Many of them, such as the health and social transfer, will rise in cost in future years. We were not told how the government would pay for them over the long run. We have a budget that makes multi-year legacy promises but fails to show us the underlying fiscal framework.

Last fall’s economic and fiscal update gave us a five-year projection as to spending and revenues. Why was the Minister of Finance unwilling to provide these same five-year projections in his budget? Was he hiding a deficit? Was he awash in funds he wanted to hide from the Prime Minister — heaven forbid?

It is time we sent the government a message that Canadians are concerned about out-of-control spending. It is also time to show Canadians that as responsible parliamentarians, we can and will respond to these concerns. It may be just a first step and it may be just a small step; however, it is a step that will convey a clear and

unmistakable message — both to the executive and to Canadians — that the Senate cannot be taken for granted. The Senate is a body fully prepared to protect taxpayers from the unconscionable waste of public funds. The Senate will be reasonable, but it will not put up with the kind of nonsensical funding approach through Supplementary Estimates taken by the Canadian Firearms Program.

Accordingly, I recommend that we remove from the Appropriation Act the monies allocated to the Canadian Firearms Program.

MOTION IN AMENDMENT

Hon. Terry Stratton: Honourable senators, I move:

That Bill C-29 be not now read a third time but that it be amended

(a) in clause 2, on page 1,

(i) by replacing lines 19 to 21 with the following:

“exceeding in the whole one billion, eight hundred and sixty-two million, six hundred and fifteen thousand, three hundred and thirty-four dollars towards”, and

(ii) by replacing line 29, with the following:

“Act \$1,862,615,334.00”; and

(b) in Schedule 1,

(i) on page 4, in the first line following the heading “SCHEDULE 1”, by replacing “\$1,882,904,747” with “\$1,823,457,377”,

(ii) on page 16, under “JUSTICE — DEPARTMENT”:

(A) by replacing the amount “68,457,029” opposite Vote No. 1b with “17,868,029”,

(B) by replacing the amount “9,048,840” opposite Vote No. 5b with “190,470”, and

(C) by replacing the total “77,505,869” with “18,058,499”, and

(iii) on page 24, in the last line, under the column entitled “Total (\$)”, by replacing “1,882,904,747” with “1,823,457,377”.

The Hon. the Speaker: Is the house ready for the question, or are there senators wishing to speak?

Hon. Ione Christensen: Honourable senators, I wish to address the amendment to Bill C-29.

Canadians know Bill C-68 as the “Gun Control Act,” an unfortunate name as the principal and major thrust is to promote safety and control. I have used firearms since I was six years old. My father, a member of the RCM.P., was a strict and exacting

teacher. Under his tutelage, I acquired a great respect for the handling of guns. They are tools that are designed to kill. That is their one and only purpose. It is true they are often used as sporting equipment, but that is only a secondary use.

I was a founding, and for many years, active member of the Whitehorse Rifle and Pistol Club. I earned all my Canadian marksmanship pins and crests. I was on the competition team, and have a large number of firearms, all of which are registered.

It is essential that all persons who use firearms understand the responsibility that comes with such ownership. This brings me back to Bill C-68, a bill which is really an urban piece of legislation, rather than rural. In rural Canada, firearms are tools of trade. They are used to provide food and offer protection in wilderness situations. Most rural Canadians have used guns since childhood and often, one or two firearms will serve the needs of all family members.

There are four pillars in Bill C-68. The first is increased penalties for persons who commit offences using firearms. I support that pillar.

The second is a licence requirement for all persons who own or use firearms. As we are told, people, not guns, create the problems. As many people today have not had the benefit of rural upbringing, such a safety measure is good. I support that pillar.

The third is safe storage and handling of firearms. No responsible gun owner will argue with that. I support that pillar.

The fourth pillar is the registration of firearms. It is divided into two parts. The first part is the registration of handguns. We have had that requirement for more than 60 years. I support that half of the pillar.

The second part is the registration of non-restricted long guns. This is where I have a problem.

I want to see changes in that part of the bill. However, Bill C-29 will not allow me to make those changes. This is a money bill, part of which is to approve funds for the gun program. We are all shocked by the amount of funds that has been put into this program to date.

Yet, for those who have followed the life of this bill, it should not be such a surprise. This bill was to be user-pay. From day one, it ran into problems. The provinces and the territories, which were to help administer the program, withdrew. There were difficulties in the public use of those first forms. There was the deferral of fee deadlines and the extension of lower fees. There was the introduction of new forms and the major advertising campaign that accompanied those forms. There were refunds of the first registration fee. There was the extensive effort to send out teams to help people fill out those forms; in the North, this required persons with native language skills. There has been the constant upgrading to find a registration program that could meet the increasing demands. Finally, there was the deliberate overload of the system by those who were trying to sabotage the program. I do not excuse the astronomical amount that it has cost to date, but I do understand why it happened.

• (1500)

Due to all of the problems above, plus the fact that the program administration was left with the Department of Justice, which is poorly suited to manage such a program, one can begin to understand why the financial picture changed so quickly. The shame is that those problems were not recognized early and changed. Rather, it was allowed to grow and each new problem only exacerbated that which had gone before, and the Department of Justice seemed to have been just too stubborn to admit it.

My first inclination is to vote for this amendment. The region that I represent is rural, and many Yukoners find Bill C-68 offensive. My vote would be welcomed by some. Then I would ask myself: What would such a vote achieve? Would it change Bill C-68? Would it serve the needs of my area? Would it be the wise and reasonable thing to do? I am a legislator and when I disagree with a piece of proposed legislation, I must work to have that legislation changed through due process. Bill C-29 is not a vote on policy, nor will it change policy. It is only administrative in nature. Whether it is approved or not, the money has been spent and funds will be found to cover this cost overrun.

Supporting the amendment would ease my conscience and would give me a moment of glory in the eyes of those Yukoners who oppose Bill C-68. However, I would not have moved Yukoners any closer to the amendments on Bill C-68 that we all want to see. It could be argued that I would have made those amendments even harder to achieve.

The Honourable Leader of the Opposition is quoted as predicting that the support of this bill will guarantee goodies from on high, exotic trips and dinner parties. I have never had, nor do I want, exotic trips — except perhaps to the Yukon — and wonderful dinner parties are available to us each and every night if we have the strength and endurance to attend them all. No, I am sorry. My support would not be based on any favours or rewards, nor for fear of personal reprisal in being passed over for favoured appointments. I do not covet any favours. I will vote in a manner that will place me in the best position to achieve my end goal, which is to see changes to Bill C-68 so that it better meets rural needs and to see a registration process that is more in line with safety goals and not control.

For me, honourable senators, this is a beginning and not an end. I will vote against this amendment, for the bill, and move on to fight for changes to that one pillar — an amendment to the long gun registration.

Honourable senators, I would ask those of you who have concerns about Bill C-68 to join me in working for those changes. We have to pick our fights, and we should pick the fights that we think we can win. I feel that together we can win this one.

Hon. Anne C. Cools: Honourable senators, if so many of us in eight years have not been able to make any corrections and changes, what magic does the honourable senator possess to get those changes that we have all failed to obtain?

Senator Christensen: Honourable senators, the answer is this: persistence.

Hon. Gerry St. Germain: Honourable senators, persistence may be a great attribute, but I have heard that coercion may be a greater attribute in dealing with certain things on the Liberal side.

Some Hon. Senators: Oh, oh!

Senator St. Germain: I must have said the right thing. I hit a nerve.

Honourable senators, I rise to speak to Bill C-29 and will focus my remarks on one particular aspect of the bill — funding for the gun registry. The government is proposing to allot an additional \$68 million to the Department of Justice, including \$50 million for the Firearms Program for this fiscal year, along with another \$9 million for the gun registry.

Honourable senators, this gun registry — a major Crown project — has been the subject of intense debate since its inception through Bill C-68 in 1995. Honourable senators in this place have questioned it and possibly millions of Canadian taxpayers have protested against it. The costs have gone so far over the top that it makes no sense to throw more money at it. Ms. Wendy Cukier of the Coalition for Gun Control said, "You cannot evaluate the costs of the program without also seeing its benefits." Well, I and many others would be only too pleased to know what those benefits are supposed to be.

I do know that taxpayers are quite interested in knowing that they are receiving good value for their tax dollars. Government projects are supposed to go through a cost-benefit analysis. The benefits must outweigh the costs.

In this case, the government took a public security matter and twisted it around existing and perfectly good gun control legislation to suit their partisan needs. Honourable senators will remember the government's own briefing book on Bill C-68 and the minister's letters. For example, on May 24, 1995, Minister Rock responded to questions raised about the costs of establishing the registration system. Mr. Rock said:

The administration will be fully funded by the federal government and cost recovered through fees. Our objective is to make the entire Firearms Program cost-neutral. Every effort is also being made in designing the registration system to achieve simplicity and cost efficiency.

The minister questioned those of us who said that the registry would cost \$500 million to \$1.5 billion. The government's answer to that was:

No. Setting up the system will cost approximately \$85 million spread over five years, which will be recovered over time from the (collected) fees. The ongoing cost of issuing registration certificates will also be covered by fees. All fees will be reviewed by Parliament. None of these costs will be taken out of the provincial, municipal, or police budgets.

Looking at the costs of operating the Bill C-68 firearms control system clearly shows that planners who devised the scheme did not have the skills required to design a proper system.

Bill C-68 was passed in December 1995. The Canadian Firearms Centre was established in 1996 but took two years to have operational status. The legislative licensing deadline was December 2000, but that target is off by three years.

The government also said:

The firearms registration system will apply equally to all persons but implemented in a way that is sensible and sensitive to the Aboriginal way of life.

What a hoax; what a misrepresentation; what a sad story of how they have treated our Aboriginal people. Our Aboriginals have had to petition the courts to enforce and protect their treaty and constitutional rights, which seemingly are being infringed. There is currently an injunction in Nunavut.

I have voiced my objections to mandatory registration because this law makes criminals of those failing to register. I have opposed the registry because I believe that this was not a prudent expenditure of public funds; that the intended result of reducing gun crimes, improving public safety or saving lives would not be achieved, as supported by the Chief of the Metropolitan Toronto Police Force, the largest police department in the country; that it would not help police investigate and prosecute violent criminals; and that it would not reduce the use of firearms in violent crimes.

Many honourable senators and many knowledgeable Canadians have counselled the government that this registry would result in more bureaucracy; that it would increase tax expenditures and user fees, such as registration fees, permit fees and renewal fees; that it would target law-abiding, responsible gun owners and not real criminals; that tracing firearms would serve no useful purpose; and that it would undermine public respect for the law.

I oppose the expanded use of Orders in Council. I oppose the waste of valuable police time and scarce tax revenues on useless and ineffective gun controls. Just think of this: If the \$1 billion had been made available to police forces across this country, we may have been able to stem the horrific crime that took place in Vancouver where 69 known, and possibly more, citizens were lost to horrific murders in the Lower Mainland of British Columbia.

Honourable senators, my greatest fear on this issue has been realized: that the government would not listen to the people. The government has been told that parts of the Firearms Act would violate the Charter of Rights and Freedoms. This is a valid reason to repeal Bill C-68. The Senate must not adopt and pass these Estimates.

• (1510)

Honourable senators, approving these Estimates and budget perpetuates numerous Charter violations. To the extent that the Firearms Act restricts any of our rights, the burden of proof shifts to the government to prove such restrictions are "reasonable." To do this, the Supreme Court developed the Oakes test, which

requires the government to demonstrate that the act: serves an important public policy objective; is rationally connected to that objective; impairs the right in issue as little as possible; and, proportionally, it does more good than harm.

While the purpose of the Firearms Act — to reduce illegal use of firearms and violence — easily qualifies as an important public policy objective, the means used to achieve this objective utterly fails the Oakes test.

The Auditor General's December 2002 report calculated that the gun registry would cost \$1 billion by 2005. However, it noted the Estimate was incomplete for a number of reasons, including the fact that the government failed to report the costs of enforcement and compliance.

If the Liberals plan to enforce the Firearms Act, they must tell Parliament what it will cost taxpayers. Hundreds of police officers could have been hired to enforce public safety on the streets for the amount that we have spent on this registry.

A Library of Parliament research paper further estimates that enforcing the Firearms Act could cost taxpayers another \$1 billion. In December, the Minister of Justice withdrew his request for \$72 million for the firearms registry because both he and the Prime Minister knew that Parliament was outraged at the cost overruns. Yet, the Minister of Justice used "cash management" and now these Estimates request \$59 million to make up the shortfall.

Is the government intentionally keeping Parliament and the public in the dark, or is it incompetent?

Honourable senators, I would venture that Canadians believe in less government and bureaucracy. They believe in less government spending, lower taxes, personal freedom, and personal responsibility. Canadians believe in every citizen's right to private property. Fifty-three per cent of Canadians are saying that the major cost overruns show that the national gun registry is badly organized, not working properly and should be scrapped.

This vote is about reasserting Parliament's authority over the public purse. Honourable senators, these Estimates need to be sent back to the other place. I would urge all senators to support the amendment made by Senator Stratton.

Senator Cools: Honourable senators, I rise to speak in support of the amendment to this bill, to reduce the appropriations requested by the Department of Justice.

Yesterday, speaking on Supplementary Estimates (B), I chronicled the repeated assurances Minister Rock made in 1995 on Bill C-68, about the then low cost of the firearms bill. Today, I wish to chronicle some of the editorial and media commentary on this problem-prone firearms program, and some of the government's threats toward members of its Liberal caucus who questioned the propriety and wisdom of voting additional appropriations to the program.

On March 20, 2003, the *Ottawa Citizen* article by Tim Naumetz, headlined, "PM threatens to toss rebel M.P.s," sub-headed, "Some M.P.s plan no-vote on funds for gun registry" reported that:

Government whip Marlene Catterall told reporters expulsion from caucus was "one of the possibilities" facing Liberal M.P.s who vote against the estimates and, if the estimates fail, an election would follow because it would be considered a vote of non-confidence.

On the same day, the *National Post* article by Bill Curry, headlined "Vote against registry at own risk: PM," sub-headed, "\$59M spending request, Chretien threatens to expel M.P.s who oppose funding," stated:

One Liberal M.P. also said officials from the Prime Minister's Office reminded some dissidents an M.P. who is kicked out of caucus will not be able to run as a Liberal if there is a snap election.

On March 20, 2003, *The Toronto Star* article by Jim Brown headlined "PM warns Liberals to back more funds for gun registry" quoted Marlene Catterall:

"When Canadians elect a Liberal government they expect us to fulfil the policies on which we ran," said Catterall. "This is a question of confidence in the government. That's the way the Prime Minister sees it, and that's what it is."

The March 20, 2003 *The Globe and Mail* article by Kim Lunman and Jane Taber, headlined, "PM leans on caucus to fund firearms registry," sub-headed, "Threat of expulsion reduces M.P. to tears," reported:

About 10 other M.P.s spoke of their concerns about the registry. But Mr. Chretien remained unmoved: "I just want everybody to know this is a vote of confidence. So act accordingly," he said, according to insiders.

"He means business," an M.P. said about the Prime Minister's intent to kick out M.P.s who don't support the additional funding.

Honourable senators, these debates have been going on in this chamber, cloistered and sequestered from what the public is hearing and reading. I thought the record should reflect what is going on in the public's mind. This is just a small hint of some of the news coverage on one day — the day of the vote on supply in the other place. This is a sample of what Canadians have been reading daily for months now.

Honourable senators, a few weeks ago, there was much coverage of the Auditor General's report on the firearms program and its disastrous management. I will list a few of those articles, with the headlines as follows: On December 14, 2002, the *National Post* article by Christie Blatchford headlined "Rock's billion-dollar gun registry disaster." On December 19, 2002, the *National Post* article by Diane Francis headlined "Gun registry just a fourth-rate policy" sub-headed "Liberals spend \$1B to avoid being politically incorrect." On January 11, 2003, *The Globe and Mail* article by Margaret Wente headlined "Counterpoint" sub-headed "Playing politics with guns." In that particular article, Margaret Wente said that she does not like guns or hunting, and she does not like mismanagement either.

Honourable senators, public opinion is well informed of the Auditor General's scathing report, and the extravagant — still unexplained — overspending of the Firearms Program. The public is aware that Parliament and parliamentarians have been sidelined and excluded, and that the Prime Minister has threatened to expel members of Parliament who would vote "no" to more money for a demonstrated failure of management and accountability in the Firearms Program.

I shall chronicle now some of the media reports regarding a possible snap election. First is the December 30, 2002, *National Post* article by Anne Dawson, headlined "Chretien was ready to call election" sub-headed "Showdown over Kyoto." This article reported that:

Jean Chretien was ready to call a mid-January election ...

"He was very serious. We were discussing the potential of a mid-January election," said a senior Liberal source. "Madame Chretien was fully supportive of this scenario."

Mr. Chretien was most serious about using his power to refuse to sign M.P.s' nomination papers as a way of punishing rebels, the sources said.

He intended to start with the 75 M.P.s who had refused to sign a loyalty pledge to him this summer.

The January 20, 2003 *National Post* article by Joan Bryden, was headlined "I don't need anybody any more: PM" sub-headed "Election remains trump." This hurt a lot of people, honourable senators. The article quoted Prime Minister Chretien saying:

I don't need anybody any more. I did what was the right thing. I'm in a very good position. I never felt in a stronger position than I am right now. Because, you know, they can defeat me in the House and there's an election. It's the reality under our Constitution.

• (1520)

The article continued:

The spectre of an election is "not a threat" Mr. Chretien insisted. "It's a reality."

The January 21, 2003 *National Post* article by Anne Dawson headlined, "Liberal M.P.s tell PM to 'just relax' on snap election" reported that:

This month, Mr. Chretien was asked if he was planning a snap election. "I don't know," he told the *Post*. "I'm the Prime Minister. If I lose a vote in the House of Commons it's necessarily an election."

On January 24, 2003, the *National Post* article by Anne Dawson headlined "Copps says donations 'obviously' sway policy" quoted Mr. Chretien, saying:

'For anybody who knows a bit about the Constitution...you know the Governor-General always takes the advice of the Prime Minister,' he said.

Honourable senators, I shall cite some more of the recent media headline coverage on the appropriation bill before us today, being: March 22, 2003, *The Edmonton Sun* article by Doug Beazley headlined "Chretien hammers nail in coffin of democracy"; March 24, 2003, *The Ottawa Citizen* editorial headlined "M.P.s, unmuzzled" sub-headed "Liberal opponents of the gun registry should keep speaking out"; March 25, 2003, *The National Post* editorial headlined "\$59-million more down the hole"; March 25, 2003, *National Post* article by Bill Curry headlined "Liberals confident in gun vote" sub-headed "New report shows registry could cost \$1-billion more."

Honourable senators, this is what people out there are reading and hearing. On March 25, 2003, the *Ottawa Citizen* article by Tim Naumetz headlined "PM's threat keeps M.P.s on side for gun vote"; and on March 25, 2003, *The Toronto Star* article by Tonda MacCharles headlined "Toe the line on gun registry, Liberals warned."

Reading these articles pains me. It is a painful thing.

Honourable senators, I have been chronicling public opinion as reflected in the media commentary. Of importance is the fact that the entire debate —

Senator Robichaud: Time.

The Hon. the Speaker: There are six minutes left.

Senator Cools: I beg your pardon?

The Hon. the Speaker: There was a request to confirm that you still had time, Senator Cools. You have six minutes.

Senator Cools: I find what just happened extremely objectionable. I find it extremely objectionable. I would like to know what the justification was for that.

Senator Robichaud: Question!

The Hon. the Speaker: Senator Cools, you have the floor.

Senator Cools: No, Your Honour, I was speaking, and someone else got the floor. In this chamber, we can speak to each other. Someone did something. I would like to know why. I need an explanation.

The Hon. the Speaker: Well, I assume that the senator thought that your time had expired. I wanted to clarify that it has not and that you have time left, Senator Cools.

Senator Cools: Your Honour, I do not believe that it is in order to interrupt a person who is speaking, simply to determine my remaining speaking time. I think an apology is in order, Your Honour.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I apologize. I thought the honourable senator's time was up. We can continue.

[English]

Senator Cools: It is just the normal state of affairs here.

Honourable senators, as I said before, I have been chronicling public opinion. I was saying that public opinion has not been focused on the issue of gun control but, in actual fact, has been focusing on the issues of mismanagement and waste and, more recently, on the whole phenomenon of what I would describe as human relations between members of caucus, the Prime Minister, and members of Parliament and the government. I would add here, now that I have been provoked just a little bit, that the burning question of the next era will be human relations within party caucuses. It has to come forward for discussion.

Honourable senators, I turn now to the question of calling snap elections, and the questions of dissolution of Parliament, money bills, votes of confidence, and the principles therein. Yesterday, speaking on Supplementary Estimates (B), I read to the chamber the Common's December motion to amend the Estimates by reducing them by \$72 million, the amount of the Department of Justice appropriations for the Firearms Program. I also said at the time that a motion to reduce the Estimates is a serious parliamentary matter. *The Parliamentary Dictionary*, a reference book on Parliament authored by L.A. Abraham and S.C. Hawtrey, tells us about the parliamentary significance of motions of reduction to Estimates, saying:

An amendment to reduce the amount of a vote is nowadays seldom, if ever, agreed to. A reduction would obviously be highly inconvenient, since money would probably have been spent already and work done in anticipation of the sanction of the House. If it were carried against the Government's wish, it would amount to a severe defeat for them, and might be expected to lead to the resignation of the responsible minister, if not of the Government as a whole.

En passant, honourable senators, I note that in December the Minister of Justice did not resign. I further note that on December 5, on the heels of the Auditor General's scorching report, the government did not declare that that particular vote was a confidence vote, and that motion having carried brought no election call because of the defeat. Rather, the government affected a posture and spin that the government had withdrawn the \$72-million amount. Further, the snap election spins appeared only after December 5 and during Christmas recess in the December 30, 2002 *National Post* article by Anne Dawson. I ask senators to contemplate why Supplementary Estimates (A) in December was not a confidence vote and Supplementary Estimates (B) now in March is a confidence vote. They are exactly the same votes. One carried; one obviously did not. I submit that the answer is to be found not in any principles of responsible government but rather in the impulses of human ambition, what St. Augustine called the *libido dominandi*, the libido or lust for power.

Honourable senators, there are no principles that can found an excess of power. Principles cannot found threats to members of Parliament to obtain a desired outcome of members' votes in Parliament and in parliamentary proceedings. A member's vote is a sacred trust, born and fought for in bloodshed and constitutionally protected for hundreds of years. Perhaps some people here think I am naive, but I believe in these principles very strongly. The sacred trust is the trust of the citizens of this realm.

Honourable senators, the principle of confidence is the exact opposite of what the government and government whip Marlene Catterall have said. The principle of confidence is that members express dissatisfaction with the ministry. The principle is that members express parliamentary dissatisfaction with the government, not that the government expresses dissatisfaction with members. The principle is that members censure the government, not that the government censures members, particularly its own party members. Confidence is Parliament's peculiar tool to obtain responsible government from ministers. It is not a tool of government to be used to obtain weakness and obedience from members of Parliament. The notion of confidence replaced impeachment and attainder as a means of holding ministers accountable to Parliament. It cannot be transformed into a coercive tool to punish members who simply want better accountability and performance from their own government — hard-working, Liberal members who support their side under really adverse conditions. The notion is that ministers hold office on the sufferance of members, not vice versa. Members do not hold their seats on the sufferance of leadership; it is the reverse.

Honourable senators, I move now to defeated prime ministers' requests for dissolution and election calls.

The Hon. the Speaker: Senator Cools, I regret to advise that your 15 minutes have expired.

Senator Prud'homme: Let her continue.

Senator Robichaud: No.

Senator Cools: I want the record to clearly show —

The Hon. the Speaker: Is leave granted for Senator Cools to continue?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is required —

Senator Cools: I thank my leadership for their magnanimity, or rather, lack of magnanimity. We need not fear, because the next bill will be called, and I will speak again then. It is not a problem.

• (1530)

The Hon. the Speaker: The question is on the motion in amendment of the Honourable Senator Stratton.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

Senator Stratton: On division.

The Hon. the Speaker: On division?

Some Hon. Senators: On division.

The Hon. the Speaker: We will now resume debate on the main motion. Is the house ready for the question on the main motion?

Senator Cools: No.

I would like to begin by saying, honourable senators, that I found what my Deputy Leader on the other side — on my side just did to be quite objectionable and I would like the record to show that it was an unpleasant act and totally unnecessary.

The Hon. the Speaker: Are you rising on a point of order, Senator Robichaud?

Senator Robichaud: I thought Senator Cools was right in the first place when she said "my Deputy Leader on the other side."

Senator Cools: I do not understand what he is talking about. It is a common problem.

Honourable senators, I had been speaking to Bill C-29, and it had been my plan to speak to one bill and not to speak to the second bill.

To the extent that the notion of freedom of speech is so well respected here, I find myself standing to continue the same speech that I was making on Bill C-29, because the issues are related, after all.

Hon. Sharon Carstairs (Leader of the Government): I rise on a point of order. I think it should be clear to the honourable senator that we are still speaking on Bill C-29.

The Hon. the Speaker: Just to clarify, honourable senators, the motion in amendment was defeated. We are now on the main motion, which is the motion on Bill C-29. It is debatable.

Senator Cools: That also means that I can speak again on Bill C-30.

Honourable senators, as I was saying before, I had been trying to put on record here a chronicle of what we are all hearing out there as we go home to the parts of the country from which we come.

It used to be a common practice in this chamber that the debate here would reflect the reality out there. In recent years, that practice has fallen away. It seems to be that if scholars wish to know what is going on in the country, they no longer look to the debates of Parliament to find out. I suppose they now look to the newspapers. I can tell honourable senators — and I am quite a reader of history — that if they wanted to know what was going on in 1880 or 1890, it used to be that they would look at the parliamentary debates to get an inkling of what members were saying and thinking and what was being reflected in the public domain.

As I had been saying, it was my wish and intention that the record here should be a reflection and mirror of what is going on out there in the community because I, like many, have a fair number of supporters. I have been getting countless letters and phone calls. I would say to honourable senators that in the last many months I cannot even walk 10 feet, for example, in the supermarket, without people walking up to me and asking me about this billion dollar — I do not like the expression “boondoggle.” Speaking in clichés is not part of my way. That language seems to have caught on. I have had question after question from people who cannot comprehend that any government can just simply dismiss an over-expenditure of that magnitude.

Honourable senators, with working on the Hill, Ottawa can be a little bit of a cocoon. Being in the chambers and walking these halls provides insulation from the reality that a billion dollars to most people sounds like an incomprehensible amount of money.

Honourable senators, one of the things that has bothered me about Bill C-68 is that these bills and these actions are so elitist and anti labour classes. The majority of people in this country are in the labour classes. The majority of men, for example — and I quarrel with the feminists all the time — are blue-collar workers: truck drivers, construction workers, loggers, carpenters. They are labourers.

Senator LeBreton: Mechanics.

Senator Cools: Mechanics, plumbers and welders. It goes on. My dear mother, Methodist that she was, taught me to have great respect for the labouring classes. That is what is wrong with Bill C-68, honourable senators, because it discriminates against ordinary people, many ordinary men who subsidize their income by hunting every fall and filling up their fridges and freezers with venison and moose and whatever they are able to get — part of what I would describe as God's bounty. I have supported them before and I shall continue to support them.

As I was saying before, honourable senators, the press coverage has been profound and enormous. I want the record here to reflect that.

In particular, I move now to the question of the accountability of ministers, prime ministers, and the question of requests for dissolution, election calls and threats of elections, et cetera.

Honourable senators, the principle of confidence is that defeated ministers retire from office and resign, not that defeated ministers retire members whom they do not like or

who are inconvenient to them. The first point on the business of calling elections is that prime ministers do not call elections — Governors General do. The Constitution is clear that the grant of dissolution of Parliament to a defeated prime minister is the sole unquestioned prerogative of the Governor General. Further, the Governor General, when faced with a request from a prime minister to dissolve Parliament and to call an election, is constitutionally bound to exercise his or her own considered judgment in accordance with well-established principles and with regard to all the circumstances. This is the law of the land.

Honourable senators, the principle is that ministers and prime ministers defeated in votes of confidence resign. That is the rule. The rule is not that ministers and prime ministers when defeated can call an election. The rule is that ministers and prime ministers, when defeated, should resign.

Constitutionally, a defeated prime minister's request for a dissolution of Parliament is a prime minister's appeal to the Governor General to issue two royal commands. The first is to discharge and disband Parliament. The second is to call an election. Such appeal by any defeated prime minister is the alternative to that prime minister's resignation and the disbanding of that prime minister's own cabinet.

The constitutional question then before any Governor General would consist of making the choice between disbanding Parliament and disbanding the cabinet. In this contest involving prime minister versus Parliament, a prime minister seeking dissolution must prove to the Governor General that the public good and the national interest are best served politically, legally and morally by disbanding Parliament and not by disbanding that prime minister's cabinet. Remember, the rule is that ministers, when defeated, must resign.

• (1540)

Therefore, that prime minister must prove to the Governor General that the public good is best served by that prime minister not following the usual rules and resigning but, rather, by following the exceptional act of being allowed to continue in office as prime minister despite defeat and therein to go into an election as prime minister. The calling of an election is the exception, not the rule. The rule is resignation. That prime minister must prove to the Governor General that the problems causing the parliamentary defeat rest within the Parliament and not within the cabinet or with the Prime Minister.

Honourable senators, such a defeated prime minister's appeal is a circle. It is a cyclic appeal. In addition, such a defeated prime minister's appeal engages the Governor General's prerogative to appeal to Parliament. The Prime Minister appeals to the Governor General, and the Governor General must appeal back to Parliament. Such appeal to Parliament would then determine whether a new government and a cabinet could be formed from the same Parliament. In short, the Governor General must appeal to Parliament and must uphold the principles of the viability and stability of Parliament because the Governor General through Her Majesty has the duty to Parliament as well as to her ministers.

Honourable senators, the position of the Prime Minister is a high office in which the Prime Minister is expected to uphold both the Governor General and Parliament. The Queen, in the person of the Governor General, is the actuating power of the country, the moving power of the Constitution. A Prime Minister is expected to uphold the Queen, Parliament and the Constitution. These institutions are not mere tools of political ambition. They are sound principles, and I think we should cherish them.

The Constitution is clear that a request for dissolution is not a sole decision to be taken by a prime minister acting alone but is a decision of cabinet. The Constitution is equally clear that a prime minister defeated in the Commons has no right to an election, or a right to advise the Governor General to dissolve Parliament, because such a defeat in the House of Commons immediately confers a constitutional impairment to advising a Governor General. Such a defeat in the lower House is a constitutional signal that something is very wrong.

Honourable senators know that I am a great believer in the monarch, the monarchy and our constitutional system. I believe it is the crowning achievement of what I would consider to be constitutionalism. I am pained and deeply troubled by the Prime Minister's statements about the Governor General always taking the Prime Minister's advice. I am pained because these statements are not statements about principles of law but, rather, his personal certainty or sentiment that the Governor General will oblige and comply with his request. Such certainty is deeply disturbing and even precipitous of a constitutional crisis. No one here could know how these situations pain me.

Honourable senators, I close by citing William Gladstone, Prime Minister of the United Kingdom in the 19th century. I quote him on the question of the control of the public purse. Yesterday, honourable senators will recall that I talked about Mr. Gladstone and the great reforms that he and his supporters brought about in the 19th century. More important than that is the fact that Mr. Gladstone was called the "great commoner." He probably more than any other the single human being was one of the greatest contributors to the notion of responsible government and Parliament's control of the public purse. As a matter of fact — I am speaking off the top of my head — I believe it was on his motion in England that the Public Accounts Committee was first created donkey's years ago.

In any event, known as the "great commoner," he had a lot to say on the notion of the control of the public purse. I would like to close by citing a speech that Mr. Gladstone made in Hastings in 1891. It is a very beautiful speech, and it outlines some of the principles very clearly. He said:

...the finance of the country is intimately associated with the liberties of the country. It is a powerful leverage by which English liberty has been gradually acquired. Running back into the depths of antiquities for many centuries, it lies at the root of English liberty, and if the House of Commons can by any possibility lose the power of the control of the grants of public money, depend upon it your very liberty will be worth very little in comparison. That power can never be wrenched out of your hands. That powerful leverage has been what is commonly known as the power of the purse — the control of the House of Commons over public expenditure...

[Senator Cools]

Honourable senators, this entire debate has not been about who is for gun control and who is not for gun control. Quite often these debates are cast in such a manner that if you disagree with the government somehow or other you support wife beating or something or other. This debate has been about accountability and the use of taxpayers' dollars, which is, after all, what Parliament is about.

Having said that, honourable senators —

The Hon. the Speaker: Senator Cools, I regret to advise that your 15 minutes have expired.

Senator Cools: I was just closing anyway. I said this debate —

The Hon. the Speaker: Are you asking for leave?

Senator Cools: I am finished.

An Hon. Senator: No.

Senator Cools: Point of order.

The Hon. the Speaker: Point of order, Senator Cools.

Senator Cools: Honourable senators, I think at some point in time we should have a debate here about arbitrariness, excess of power and abuse of privileges.

An Hon. Senator: It is not a point of order.

Senator Cools: It is a point of order.

I think we should have a debate about proper relationships between leaders and their followers and proper relationships between prime ministers and their supporters.

I will not bother to ask His Honour to rule, but rest assured, with all the public commentary that has gone on about this excess of power, we can be sure that these issues will be the initiatives of the next few years.

Honourable senators, I thank you all for listening, and we shall soldier on.

The Hon. the Speaker: Is the house ready for the question on the motion of Senator Day to give third reading to Bill C-29?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I will put the question more formally.

Will those in favour of the motion will please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion will please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “yeas” have it.

Senator Stratton: On division.

Motion agreed to and bill read the third time and passed, on division.

• (1550)

APPROPRIATION BILL NO. 1, 2003-04

THIRD READING

Hon. Joseph A. Day moved the third reading of Bill C-30, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004.

He said: Honourable senators, my remarks will be brief. This bill is for interim supply for the first three months of the fiscal year beginning April 1. We have debated this at length. The amount that the government is requesting is \$17.8 billion, leading into the end of June. I would respectfully request the support of honourable senators for this bill.

Hon. Terry Stratton: Honourable senators, I rose to speak to this bill at second reading yesterday and I made most of my points at that time. However, I would like to reinforce two issues that need to be watched during this coming fiscal year. The first is the ever-increasing cost of gun registration, for which next fiscal year the government is requesting \$113 million. It will be interesting to watch and see how many Supplementary Estimates there are that add to this number.

Second, in this current fiscal year the government has an 11.5 per cent program spending hike. I said earlier in my speech on Bill C-29 that this is something with which we need to be concerned. Is this setting a trend? Is this something that will happen in the next fiscal year and thereafter? I would ask every honourable senator in this chamber to watch for those two issues, watch for the increase and out-of-control spending on gun registration, and watch for the increase in double digits in our spending for the next fiscal year.

Some Hon. Senators: Question!

Hon. Anne C. Cools: Honourable senators, I feel compelled to speak.

Honourable senators, I rise to make a few remarks on third reading of this bill. There are many issues that have been mentioned, debated and spoken about. There are a couple of

outstanding issues that still have not made their way into what I would consider to be a fulsome and wholesome debate. Since it concerns the Firearms Program, I would like to touch on one important issue in this speech on third reading.

The particular issue — and I think other honourable senators have alluded to it — is this whole question of a major Crown project and the designation of the Firearms Program as a “Major Crown Project.” I am sure that those of us who have been following the subject matter are aware of the disagreement between the Department of Justice and the Auditor General as to whether or not the Firearms Program was designated a Major Crown Project. The Standing Senate Committee on National Finance has done some probing on that issue.

It seems that the Auditor General says clearly that the Canadian Firearms Program was to be managed under established and stringent guidelines. This stringent regimen is called Major Crown Projects. The rules are recorded in Treasury Board Secretariat policies and guidelines and, in particular, it is Chapter 2 and 3, called Management of Major Crown Project. At page 1 these policy guidelines give the following definition:

A project is deemed to be a Major Crown Project when its estimated cost will exceed \$100 million, and the Treasury Board (TB) would assess the project as high risk.

About this fact, the Auditor General in her report, chapter 10, paragraph 10.39, stated the following:

Furthermore, the entire program was designated as a Major Crown Project.

In paragraph 10.73, she stated:

As previously noted, to control the development of the Program, the Treasury Board designated the entire Program as a Major Crown Project.

Now, honourable senators, Treasury Board Secretariat and Department of Justice documents describe the Firearms Program as a Major Crown Project. As a matter of fact, on March 7, 2003, in a letter sent to the Standing Senate Committee on National Finance by the Auditor General, the Auditor General gave to the senators other compelling reasons for this classification. The Auditor General wrote:

In its March 1998 submission to the Treasury Board seeking Preliminary Project Approval, the Department of Justice stated that the federal government classified the Canadian Firearms Program as a Major Crown Project because its political, technical and organizational complexities presented a significant project management challenge.

In other words, under the best of conditions the Firearms Program would have been a difficult challenge. The Auditor General basically tells us here that if the project exceeds \$100 million and then is deemed to be very complex and sensitive politically, and on and on, that it is designated that way. She also cites the fact that Department of Justice documents actually narrated and related this fact.

It is interesting to know because if we continue to probe a little bit more deeply, we will find that the management of Major Crown Projects dictates many stringent accountability features. For example, a Major Crown Project must be headed by a project leader. Treasury Board Secretariat policies and guidelines state:

...that the project leader must be a senior manager within the sponsoring department accountable directly to the deputy minister;

And also,

...that the project leader be viewed as personally and visibly accountable for all aspects of the project;

Interestingly enough, honourable senators, Minister Cauchon and his Deputy Minister, Morris Rosenberg, appeared on February 24 before the Public Accounts Committee of the House of Commons. It would appear that they seemed to have some confusion or some uncertainty as to whether or not these guidelines apply to them. In fact, at the Public Accounts Committee meeting on February 24 Deputy Minister Morris Rosenberg said:

But I don't believe that the Treasury Board ever designated the program as a major crown project.

Interestingly enough, a member of Parliament, Val Meredith, inquired whether any due diligence study had been conducted by the department. Deputy Minister Rosenberg responded saying:

I am not aware.

It seems that there is a difference of opinion as between the deputy minister and the minister and their own documentation, and Treasury Board's policy and guidelines. To my mind, the matter still has not been sorted out satisfactorily and is one certainly that I think is still going to be unfolding because it seems incredible that the contrariness could be so enormous. It seems incredible that Deputy Minister Rosenberg would not know that the project leader was supposed to be directly responsible to him.

In any event, this still remains a matter of some uncertainty and a matter that needs some clarification. I have no doubt that it will be returning to us at some point.

Coming back to this particular bill and this particular request for additional funds for money, the problem that we all have is the sense of shame that so many of us have felt, particularly when it was broadcast, that most members of Parliament knew nothing of what was going on. It is important to understand, however, that the Standing Senate Committee on National Finance, from about 1995 or 1996, has actually known that something was wrong and has raised questions again and again. To date none of those questions have been answered.

• (1600)

I just want to, in a way, congratulate many of the senators for exercising due diligence and doing their jobs as committee members, actually probing into the details of government expenditure. I know that I take my job very seriously and I know that many do, too.

I would submit that this issue is a returning one. It is a dynamic, living issue. This particular appropriation today will not settle the

problems. It is crystal clear that the problems with this firearms program are not going away. One could say it was a difference of opinion between rural and urban Canada. However, I am from Toronto and I want to inform honourable senators that the distress among Torontonians is great. Many Torontonians feel that, urban or rural, the question at the end of the day is one of accountability and the management of taxpayers' dollars.

The Hon. the Speaker: Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Will all those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

An Hon. Senator: On division.

Motion agreed to and bill read third time and passed, on division.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 27, 2003

Sir,

I have the honour to inform you that the Honourable Louise Arbour, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 27th day of March, 2003 at 5:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck

Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Roch Bolduc moved the second reading of Bill S-17, respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability.

He said: Honourable senators, it is my great pleasure today to introduce a bill designed to create a legislative framework for the Canadian International Development Agency.

Although CIDA has been in existence for 35 years, it is one of the few major government bodies not governed by a statutory instrument specific to it. The bill is designed to make up for this shortcoming. I realize that the Department of Foreign Affairs and International Trade Act refers to CIDA, as do a number of other statutes. I will explain why this is insufficient.

Before discussing the bill per se, I would like to give you an overview of the events that, since 1950, have led to Canadian government involvement in international development. Following that, my presentation covers the Canadian experience over the past half-century in providing assistance to developing countries and assessing the results thereof. It goes on to describe necessary reforms, including a legislative framework that will entrench the principles and criteria that must be respected in designing and delivering aid programs.

On May 27, 1941, President Roosevelt, in one of his well-known radio fireside chats, said that the world of the future would not be a world dominated by dictatorship, but a world in which four freedoms would reign supreme:

[English]

We will accept only a world consecrated to freedom of speech and expression — freedom of every person to worship God in his own way — freedom from want — and freedom from terror.

[Translation]

Freedom from want," was America's promise to build a world of economic and social progress. Roosevelt wanted to create hope for those suffering the darkest moments of the Second World War, as he had done with a series of dramatic measures during the Great Depression of the 1930s. In August of 1941, Roosevelt and Churchill jointly proclaimed the Atlantic Charter containing a set of common principles that incorporated the four freedoms and invited international cooperation to improve social conditions throughout the world.

Soon after the Second World War, the key directions were translated into a series of major interventions that fashioned the second half of the 20th century and resulted in a half-century of relative peace and the economic progress of OECD countries.

To summarize: reconversion of the American economy to a peace economy, for example, production of cars instead of tanks, refrigerators instead of rifles; introduction of sweeping social measures in England under Clement Attlee's Labour Party; the generous but unrealistic intentions were later corrected by the government of Margaret Thatcher; Canada's reconstruction plan based on social security and some income redistribution; establishment of the United Nations to promote dialogue between nations; the Marshall Plan for rebuilding a devastated Europe; a new constitution in Japan and American aid to that country; creation of NATO for the defence of freedoms in Atlantic countries; GATT to liberalize international trade; the Colombo Plan to aid underdeveloped countries in Asia; Canada was a participant; for the first time in history, our country committed to a policy of international development.

Pursuant to the Colombo Plan, in 1960 a Department of External Affairs External Aid Office was established to assist the most disadvantaged countries. In 1967, its budget was increased from \$11 million to \$280 million.

Responsibility for foreign policy formulation and implementation, inspired by the British model and thus a prerogative of the Crown, is the responsibility of the executive power, that is, government. In post-war years, Parliament's role was restricted to voting on the budget and the legislation necessary to ensure implementation of treaties to which the government was a party. As a result, in 1968 it seemed perfectly normal to create the Canadian International Development Agency (CIDA) by a simple administrative measure. Aid policy was defined by the Department of External Affairs and confirmed by the cabinet, making the agency responsible for defining its program of activities and management.

We were entering a new field of activity and everyone agreed that we should help mitigate poverty on continents devastated by war, misery, famine, and disease, even though the most effective ways and means were not apparent. Nonetheless, the aid budget was 10 times larger 20 years later. In 1987, under the Mulroney government, contributed one half of 1 per cent of its GDP to international aid. This translates into a little more than 2 per cent of federal government expenditure. We seemed to be heading toward the 0.7 per cent GDP objective proposed by the Pearson commission for industrialized countries.

However, the recession of the early '90s and budget deficits led to a significant reduction in international aid until the year 2000. Since that time, the aid budget has risen, although it is still 20 per cent below what it was 10 years ago. In 2000, we ranked 8th among global economies but only 17th among the 22 contributing OECD countries; in 1995, we were 6th. This clearly demonstrates the extent of government cuts over those five years.

The budget changes are more easily understood in light of aid program structure. Distinction must be made between bilateral aid — \$800 million in 2003 — allocated by the government to a recipient country, and multilateral aid — \$400 million in 2003 — to various United Nations agencies for distribution under a UN program, for example, UNICEF, WFP, and regional development banks administered by the World Bank.

• (1610)

Bilateral aid — geographic programs — accounts for 37 per cent of the total, is usually administered by CIDA, and includes a multitude of projects that vary by country. The 2003 aid budget includes \$250 million in partnership programs delegated to non-government organizations — NGOs — educational missions run by educational institutions, and co-op projects run by business interests. In 2003, these account for over 10 per cent of the aid envelope. CIDA and its contractors are not the only ones covered by the international aid budget envelope. A further 20 per cent of the aid budget is administered by various other organizations. For 2003, the Finance Department has committed over \$230 million — 10 per cent of the aid envelope — to such international financial institutions as the FMI and development banks. The Department of Foreign Affairs and International Trade is contributing approximately \$100 million this year to operations of the World Health Organization — I am not referring to the 100 million dollars that has just been announced today — FAO and other international agencies. I want to mention the World Health Organization. A bursary program for students in underdeveloped countries is also on the agenda.

The 2003 aid envelope incorporates over \$90 million allocated to the International Development Research Centre founded in 1970 for research and technical cooperation in developing regions.

The International Centre for Human Rights and Democratic Development, established in 1988, and the International Centre for Sustainable Development, established in 1991, are also included in the aid envelope.

Finally, the provincial governments are adding \$25 million in 2003 to assist NGOs in the Third World.

Development assistance obviously covers a broad range of projects implemented by a multitude of participants under the umbrella of many Canadian and foreign organizations.

The budget-weighting of program elements has varied widely over the years, for example, the relative proportions of bilateral aid and multilateral aid, the proportions of partnerships and bilateral aid managed by CIDA and the percentage of conditional aid — that is, requiring a specific Canadian content.

The range of methods also reflects aid policy changes over the past 50 years.

In the 1960s, emphasis was on building infrastructures — for example, dams, water supply, sewers, bridges, roads, schools, hospitals. It soon became obvious that infrastructure operation and maintenance was a problem for recipient countries, in terms of both budget and qualified personnel.

The focus then turned to human resources aid with priority given to the most disadvantaged. Later, emphasis was placed on reforming administrations — financial management, the public service — in various countries in Africa. In fact, I had the opportunity to work in six or seven of those countries. Over time, a more critical look was taken at the leadership demonstrated and action taken by the leaders of recipient countries.

Criteria making aid more selective gradually emerged — for example, respect for human rights, percentage military expenditure, degree of corruption, compliance with business contracts, democratization efforts, focus on sustainable development.

As the aid budget increased, beginning in 1968, Parliament became more interested in CIDA activities and their relation to controlling public expenditure.

Professor Louis Sabourin, for example, has referred to the heated discussions that took place in Parliamentary Committee in 1975. Senator Roche, who was an M.P. at the time, was an active participant. The committee's influence on CIDA behaviour was modest. Nonetheless, in September of that year, the government released its strategy for cooperation in international development. Senator MacEachen was the minister of Foreign Affairs at the time.

The 1987 Winegard committee report included a number of recommendations that were taken into account by the Mulroney government, as demonstrated in the report by Ms. Monique Landry, the minister responsible in 1988. Focus was on project selectivity strategy, participation of recipient countries, management decentralization and respect for human rights.

In the 1990s, CIDA was studied by other outside organizations. The 1991 SECOR report recommended more strategic analysis of underdevelopment, concentration of aid in specific countries and greater involvement of the private sector to enhance project administration efficiency.

In 1993, the Auditor General called for more efficient management of international aid, a call that was repeated a few years later.

In 1994, the Joint Committee chaired by Senator MacEachen, Minister of External Affairs at the time of the 1975 cooperation strategy, called on the government to include respect for human rights, good governance, and democratic development in its priorities for aid. The committee also recommended an act governing CIDA.

In 1995, the government gave its response, agreeing to the report's general direction. However, it was unwilling to commit itself to a special statute on CIDA's mandate, reduction in conditional aid, transfer of some export promotion functions away from CIDA, concentration of geographic aid, or a proposal for funnelling more aid through NGOs. In its policy statement, the government did confirm its support for sustainable development to reduce poverty, and endorsed the five aid program priorities drawn up by the joint committee: essential human needs, women and development, human rights, democracy and good governance, development of the private sector and the environment. It even added a sixth priority, infrastructure services. Until 2000, these were the defined guidelines for CIDA although, according to the agency, they were more political than practical.

Parliamentary Committees enabled public debate on development aid policy and CIDA management, but it must be admitted that they did not systematically evaluate program outcomes or greatly influence program direction.

The Canadian experience in international development over the past half-century has given rise to comments by numerous observers and been studied by international experts from universities and organizations.

The economic theory of development or growth is the subject of a sizeable volume of academic literature. I would like to summarize the contributions I believe to be the most significant.

Easterly and Levine of the University of Minnesota conducted a research project covering 72 rich and poor countries in an attempt to learn the impact of three factors — geography, institutions, economic policy — and determine which of these has the greatest influence on development. Their conclusion is that institutions are the key factor in determining income, but not necessarily growth. Political stability, property rights, quality of the legal system and respect for contracts have the greatest impact. They are more important than geography and than economic policy, if assuming it is good.

Of course geography — temperate climate, proximity of ports — is a factor, as shown in the settlement choices made by European colonists. However, if the institutions are seriously flawed, even great geography cannot miraculously produce growth.

Economic policy certainly has its importance. Inflation rate, exchange rate, budget deficit, willingness to trade, are all important factors that are easier to change than institutions, although the latter are more important. However, they are very difficult to change as they are linked to the beliefs, values and interests of the population.

Jeffrey Sachs of Harvard points out that seacoasts — Asia, Europe, America — which have 8 per cent of inhabited land, produce 52 per cent of global GDP or overall production. In short, the tropical world is poor, the temperate world rich, or recovering from communism. No tropical country is among the 30 richest, with the exception of Singapore and Hong Kong. This is because a tropical climate promotes neither agriculture nor irrigation; what it does promote is malaria, which kills 2.5 million victims annually. He also points out that no poor country is capable of development unless it is part of the global economy. This is a major element. He cites China as an example, where exports have skyrocketed from \$15 billion in 1978 to the current figure of \$240 billion even though a large part of China — the West — remains poor; nonetheless, if technological goods are produced for a unified market, innovation performance is directly proportional to market size. Korea and Southeast Asia display the same phenomenon. According to Sachs, three problems must be addressed. The first of these is social development, that is, health and education, as pointed out by two former presidents of CIDA, Paul Gérin-Lajoie in the 1970s, and Marcel Massé in the 1980s. His reasoning is simple: If there are no healthy babies, there are no children in school, and thus no graduates; if there are no healthy educated adults, there is no qualified labour force, there are no entrepreneurs.

Second, it is necessary to support such structural adjustment measures as writing off public debts.

Third, sectoral development must be approached through foreign investment and free international trade if poor countries are to export, not only raw materials, but also products made from them.

A third well-known international analyst, Peter Bauer — he is very well known, as I think he has just received the Nobel prize — points out that post-war development theory, based on a shortage of capital in the Third World, promoted foreign aid as the solution, in planned economies, with reduced competition by monopolies and trade barriers.

• (1620)

His observations in the field refute the theory categorically. Bauer claims that: trade barriers and monopolies destroy entrepreneurship; the key to development resides in the possibility of making profit; aid motivates recipients to take action to obtain aid funding rather than work to produce goods or services; this often leads to a transfer of funds to the rich inhabitants of poor countries; promotion of equality is an obstacle to personal freedoms and slows growth; growth is a function of appropriate aspirations and attitudes among the population; the role of government is to protect property rights, ensure contracts are respected, guarantee equality through the supremacy of law, minimize inflation, maintain low taxes to enable businesses to invest, innovate and create jobs.

Economists of both the right and the left can plainly see the common ground and shared views that must be entrenched in the mandate of the agency responsible for delivering development assistance.

Cashin, Mauro and Sahay of the International Monetary Fund are studying the options of economic policy for dealing with poverty. Starting from a human development indicator based on longevity, instruction and standard of living measured as a function of GDP per inhabitant in purchasing power parity, they conclude from their research covering some 100 countries over the past 20 years that there is a correlation between increased human development and a low inflation economic policy, minimum budget deficit, reasonable foreign debt, a legal system in which rule of law prevails, education and health services, and openness to international trade. However, it is not easy to define the determining growth factor.

G. Pfeffermann states that long-term economic development is impossible without a dynamic private sector. Sound and effective public management is also a requirement.

Since 1987, the number of people with annual incomes below \$365 has remained steady while total world population has increased by 1 billion. Asia has prospered greatly. Because foreign investment has far outstripped aid, the progress is the result of openness to a market economy rather than international aid. In fact, aid represents 20 per cent of funds invested in Asia, particularly in China.

How can we stamp out extreme poverty? According to Dollar and Kraay, by increasing the global rate of economic growth, which has the same impact on the income of the poorest 20 per cent of the population as on everyone else. If the GDP is doubled in 25 years — 2.9 per cent annually — the income of the poor doubles. This is demonstrated by a study of 80 countries over a 40-year period. Furthermore, curbing inflation benefits the poor more than others. I refer to these researchers because I feel that their conclusions based on systematic observation over a medium time period are significant to reform of Canadian aid.

We turn now to Canadian analysis of the CIDA experience.

[English]

In a 1994 study for the MacEachen committee, Mr. Martens of the Université de Montréal and the North-South Institute speaks of a close link between aid and economic growth. Like the previous observer, he believes a market economy is a key factor in ensuring growth.

In his recommendations, he enjoins us to refrain from making aid an instrument of trade policy; to focus on social projects, health and education; to assist the poorest countries; to increase multilateral aid, conditional on structural reform; and to continue providing emergency food aid at the time of natural disasters and conflicts.

In a more critical review of our aid program, Arnold de Silva of McGill University, summarizes his 2002 study by saying that notwithstanding the official goals of aid — that is, the 1995 policy statement — it has no effect on reducing poverty or gender inequality, developing human resources or reducing debt. Not one defined objective is given the priority set out in official documents. Nor does the political environment of recipients appear to affect allocation of bilateral aid.

In his opinion, the real priorities are relatively skewed toward Latin American and Commonwealth countries rather than, for example, the francophone countries of Africa. He concludes that Canadian aid policy does not meet its objective. He defines three possible options: abandon aid; transfer the funds to the World Bank, where aid will be less subject to political pressure from a variety of interests groups; or maintain the program, taking various steps to improve its effectiveness.

He points out that, even with improved effectiveness, the impact of poverty is insignificant because Canada is a small player and, in any case, aid can do very little. Other policies such as freer international trade are required to enable products from developing countries to penetrate rich markets. I would like to add a personal comment: The economics of public choice underlie the problem inherent in the decision-making process for programming aid.

These experts reflect the broad range of objectives and the project scattering referred to by Jeffrey Simpson last fall in the *The Globe and Mail*. This is the difficulty of the process. The Prime Minister makes timely decisions at meetings with heads of state — for example, \$100 million for Iraq. At countless meetings at home and abroad, the Minister of Foreign Affairs hears the full spectrum of viewpoints.

The Department of Foreign Affairs interprets the objectives of bilateral and multilateral aid in light of numerous criteria, including the strategic interests of Canada and the quality of our relations with other countries.

CIDA, possessor of the memorandum on aid, because they have been administering it for 50 years, and with the extensive knowledge of its senior officers at home and abroad, gives us insight into the agency's outlook and methods, taking into account the bureaucratic interests of its own staff. Canada's ambassadors are approached abroad and transmit their views through the administrative system.

The Minister of Finance participates in defining the parameters of the action taken by international financial institutions. Treasury Board takes budgetary restrictions into account in making the parliamentary allocations, including the allocation for CIDA, and regulates the attribution and management of contracts.

A multitude of departments is also involved in the international cooperation. For the past 20 years, parliamentary committees have examined the aid program and made many recommendations — some implemented by the government and CIDA, some not. Constantly bombarded by ideas, CIDA finds it especially difficult to target its own activities and avoid criticism that can hinder its administration.

By the end of the 1990s, it became evident that a new reform was necessary. The first step taken was the analysis, in 1996, by the Canadian program by the OECD Development Assistance Committee, DAC.

In 1995, CIDA, pursuant to a government statement, clarified its outlook for the future, focusing on measures designed to meet the objectives defined in the government statement: strengthening partnerships, managing programs more effectively, and reporting results. A program to assist transition in Eastern European countries, including Russia, which began in 1991, was transferred to CIDA. However, the general tone of CIDA's 1995 views focused more on management effectiveness than on in-depth analysis of program impact.

In 2000, the United Nations' Millennium Summit defined concrete objectives reducing poverty and meeting needs: 18 targets, 48 impact indicators, and so forth. In September 2000, Minister Minna, the new President of CIDA, announced a priority shift, stemming from the 1996 DAC focus on social development, towards education, health and basic services, the fight against AIDS, and protection of children.

In 2001, CIDA published a public consultation paper setting out the key points of the shifts. Cynics may wonder whether senior agency officials were seeking the opinion of interested groups or looking for public support of their own views. It does not matter, as other players motivated these sweeping reforms.

The United Nations report on population reported that half the human race, more than 3 billion individuals, earned under \$2 per day at the market exchange rate. Based on purchasing power parity data, this means that 8 per cent of the world population currently earns under \$2 daily. The poorest people — 20 per cent of the total — earn only 1.2 per cent of world income. This poverty means insecurity, inequality, poor health and illiteracy. More than 20 per cent of children do not attend school and two-thirds of them are girls.

About 14,000 individuals contract HIV/AIDS every day in Sub-Saharan Africa, where 30 million people, including 70 per cent of all AIDS patients, live with serious illness. In 2002, AIDS killed three million people, ranking it fourth among fatal diseases. By 2010, the number of orphaned children produced by this pandemic is estimated to be 40 million.

One out of five individuals has access to medical services and fewer than 5 per cent are given antiretroviral agents. Contributing countries provide only 25 per cent of the total efforts to fight the disease and keep 50 per cent of their promises. They announce things but do not do them. The poor countries spend \$25 per individual on health care. Thirty billion dollars is required to solve the problem.

• (1630)

The widely circulated United Nations report increased the pressure for international intervention.

While we are on the subject, here are a few more figures on the consequences of poverty. More than 500,000 women die annually from pregnancy complications. This far exceeds the number of men killed in armed conflicts. Approximately 1.4 billion people still have no access to potable water and 2.9 billion are without adequate purification systems. Close to 75 per cent of people who live in absolute poverty are in rural areas.

Children account for over half of the world's poor. Over the past 10 years, war has killed 2 million children and produced 5 million children with disabilities. Some 300,000 child soldiers are engaged in conflicts. More than 250 million boys and girls under the age of 14 work rather than go to school, even though the World Bank claims that there is no more profitable investment than education for girls.

We must not lose hope, however. In the past 30 years, progress has been made, even though it is impossible to measure the exact contribution of international aid.

There are 400 million fewer poor people. In the past 35 years, average life expectancy in developing countries has risen from 55 to 65 years and the percentage of literate adults has jumped from 50 per cent to 70 per cent.

Potable water is available to 70 per cent of the population in the developing world, compared with 30 per cent in 1970. In the past 20 years, immunization against some contagious diseases has climbed from 37 per cent to 80 per cent.

In 1996, private funds accounted for three-quarters of the capital injected into developing countries — \$250 billion. Twenty

years earlier, it accounted for only 50 per cent. The problem is that the capital is concentrated in some 12 countries in Asia and Latin America, a disastrous situation for Africa. Democratization has made real, although slow, progress.

All is not lost, however. Global inequality has been reduced, thanks to progress in parts of Asia — where two thirds of the world's population resides — measured on the basis of purchasing power parity and in spite of the fact that, within individual countries, inequality is greater than it was before.

In October 2001, a large group of African leaders proposed a new partnership for African development called NEPAD. This is a sort of development code setting out the conditions for sustainable development, sectoral priorities including social development, and mobilization of the financial resources required. The African leaders want to define priorities for their respective countries and call upon their people to cooperate in the work of national recovery. The document incorporates the view of some of the international experts to whom I have referred, including, Peter Bauer, Jeffrey Sachs and members of the OECD development committee.

The Canadian government's December 2001 budget established a \$500-million trust fund for Africa and increased the aid budget envelope for the coming years.

In March 2002, as the United Nations Conference on the Financing of Development in Monterrey, Mexico, Canada committed a multi-year 8 per cent annual increase in aid funding, which is something.

In June, at Kananaskis, NEPAD was given special consideration by the G8 and African leaders.

Last September, Minister Whelan made a government policy statement on international aid, based on the 1996 DAC report on the direction of the 2000 shift, the 2001 consulting paper on the prevailing view of the analysts, the NEPAD document, and the prior recommendation by OECD to the DAC. The DAC review, published last November, is a fairly severe assessment of our aid policy over the last 10 years.

From 1990 to 2001, our ODA/GDP places Canada in 19th position among the 22 OECD countries at the time. With the eighth-ranked world economy, our aid budget ranks us 11th, behind the Netherlands, Sweden and Denmark. Having committed \$6 billion to African aid alone by the year 2007, the government felt it had been dealt a harsh blow.

I am including the key DAC recommendations as the government's September statement agrees with them. These recommendations were to: increase aid; concentrate aid in specific countries and sectors; make the fight against poverty the priority; ensure consistency of development policies; work toward trade liberalization; make aid less dependent on conditions; adapt NGO action to the new partnership; and, improve aid-management effectiveness to reduce excessive costs, from 8.8 per cent, which is considered a bit too much.

The September government policy statement agrees that CIDA will focus on a defined spectrum of countries and sectoral activity. It recognizes the need to coordinate its action with other donor countries. It agrees to: give priority to social development as proposed by NEPAD; form partnerships with recipient countries and their civil societies; ensure consistency in environmental, financial, trade-related, food-related and administrative development policies; and, soften conditions for aid, as agreed at the 2001 G8. The government maintains its priority for aid to Africa and commits to measuring outcomes and making them public.

I believe that the government policy statement is a step in the right direction. It surpasses the 1995 objectives and sets out more concrete programs under extremely reasonable conditions. However, in consideration of the problems inherent in policy-making — to which I referred earlier — it seems to me that, to ensure the success of aid reform we need to do more if we want to learn from the lessons of the past and from the ups and downs of the Canadian experience in development aid.

In 1994, the MacEachen committee recommended that Parliament adopt an act setting out the basic principle of ODA, and that parliamentary committees periodically review aid programs. In its 1995 response, the government said that an act would risk damaging the effective implementation of programs by making them less flexible. In fact, the government, and the Department of Foreign Affairs in particular, used to having a great deal of flexibility based on Crown prerogatives in international matters, prefers discretion to the express will of Parliament that would be binding.

What has this given us in the past?

Objectives are confused and change constantly because they attempt to include Canada's short-term interests such as promoting exports. Past experience shows the existence of a range of programs more or less focused on the fight against poverty, even though there is a consensus that this must be a high priority.

We have also seen a scattering of aid projects among a multitude of countries — countries not among the poorest and even some that fail to respect human rights — that allocate an unreasonable proportion of budget to military equipment, manage the public finance badly, waste money on ostentatious items or support an unproductive bureaucracy. Only five countries received over \$20 million, half the number that used to receive this amount. The 15 main beneficiaries receive 15 per cent of the aid, compared with 25 per cent from other donor countries.

We also saw many projects with no significant impact on Third World development. CIDA supports more than 1,000 projects in 100 countries.

In the past few years, CIDA has changed direction yet again. As a supportive measure, it seems reasonable to entrench CIDA's direction and conduct in legislation, giving the agency clear methods of dealing with undue pressures.

Furthermore, without going into the great debate on parliamentary control of foreign policy — important in itself but outside our immediate objective — even though we are not discussing important treaties or military invention, we are talking about annual budget decisions involving over \$2 billion a year and medium-term international commitments.

Consequently, in a democratic parliamentary system in the 21st century, without giving rise to constitutional amendments on the prerogative of government, Parliament should intervene to define the parameters of CIDA relating to the objective of aid, agency priorities and principles, and the criteria for allocating resources.

International policy has an increasing impact on all spheres of domestic policy. An ever-increasing number of international policy decisions affect the daily life of the country in more and more ways. Parliament can no longer remain a virtually silent spectator or occasional participant, especially in relation to CIDA's activity that are essentially administrative operations.

It therefore appears reasonable to enact a statute setting out Parliament's role in defining CIDA priorities, reviewing the CIDA budget, and evaluating outcomes in terms of the impact of aid on each country and the effectiveness of aid management by the agency.

The bill that I have tabled attempts to deal with these questions. It makes Canadian aid conditional on the active participation of each recipient country and its population in defining its own priorities. It makes aid conditional on an economic policy that is favourable to growth, respect of human rights, efforts toward democratization and good governance, including a reasonable degree of military expenditure.

• (1640)

Finally, for each selected country, it defines the priority as the fight against poverty through development of a market economy and an appropriate legal system, investment in health, education and job training, protection of children and support for structural adjustment.

Honourable senators, please excuse this long presentation. This subject is close to my heart because of my experience in Africa. I ardently hope that CIDA activities will be successful because the stability of the planet largely depends on the willingness of the developed world to guide others along the path of economic and social progress and to ensure the maximum benefit to those billions of human beings.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I have a few questions that I would like to ask of Senator Bolduc if he would not mind answering them.

The honourable senator examined the situation and Canadian development policies over the last 35 years. Is he able to say whether, during these 35 years, countries that received assistance from Canada became foreign trading partners of Canada? Have these countries become solid economic partners for Canada?

Senator Bolduc: I do not have figures at hand to answer this question. However, I do know that 87 per cent of our exports go to the United States, and some go to Japan. That does not leave much left over for other countries. That said, we should be optimistic. I have been somewhat critical, but I would like to recognize that various governments have adopted good policies. Canada has developed relations that have allowed it to become well known in some one hundred or so countries. Given that we are, by definition, the greatest exporting country, in terms of percentages, this is important for us.

I would not want to confuse these issues. I wanted to make the distinction between CIDA, poverty assistance and trade. I have always found that the mix was not black and white. It must be acknowledged that in some cases, such as in Costa Rica, in certain Latin American countries, in Senegal, in certain African and Asian countries too, we have made a very worthwhile contribution, in Sri Lanka and India, too. I would like trade promotion to be taken away from CIDA. The Department of Foreign Affairs provides very good trade promotion services.

In my opinion, the allocation of the department's budget is not done very well. We allocate 75 per cent of our resources to Europe, and 15 per cent to the United States. It makes no sense. I understand that Europe is interesting because everyone has familial or cultural ties with the Ukraine, Germany, Luxemburg, and the Scandinavian countries and so on. However, that is no reason to continue to focus the major part of our resources in terms of diplomatic staff, highly qualified people. The federal public service is where we have the most qualified people. I can speak on this, having worked in this milieu for quite a long time. Foreign Affairs and International Trade — they were separate before, but now they are together — Finance and the Bank of Canada, is where we have the best people. I find it a shame that such a significant part of Foreign Affairs is in Europe. I have nothing against Europe. I simply mean that it makes no sense to put so many resources in Europe and so little in the United States and Asia, since there are three billion people in Asia. Some of those countries will become very interesting to us. I am thinking specifically about China, Indonesia with its population of 200 million and Pakistan, which has a population of 140 million.

The other day I heard people talking about the United Nations Security Council. Let us look at this for a moment. Several countries are not members of the Security Council, yet Brazil has a population of 200 million; India, a little more than one billion; Pakistan, 140 million and beside that, there is France and England. I can tell you, there is a lot of work to be done there. I am going off topic a little because Canada's decision bothers me.

Senator Nolin: I take it the answer is yes in some cases?

Senator Bolduc: I believe so.

Senator Nolin: Am I to understand that enacting the type of legislation you are proposing will better define CIDA's responsibility and truly make a distinction between its role and international trade policy?

Senator Bolduc: Yes, and more than that. I am partially inspired by the work of Senator MacEachen, who was the Minister of Foreign Affairs in 1975. He knew how things worked. He was

here for a long time and in committee, in 1995, he said that legislation was needed. Once in the Senate — he was unreasonable at the other place — he wised up. He said we needed to take control of the situation and pass legislation. I told myself I would continue Senator MacEachen's work. I am leaving the Senate soon, so at least this will be part of my legacy. I do not expect this proposal to be accepted, since I am a member of the opposition. I will nonetheless send it to the Minister of Foreign Affairs, Mr. Graham, and tell him to give it due consideration because it is good and it has to work. If this is accepted, I will come have a drink with you.

On motion of Senator De Bané, debate adjourned.

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean-Robert Gauthier moved for second reading of Bill S-11, to amend the Official Languages Act (promotion of English and French).

He said: Honourable senators, under rule 27(3), a senator must rise to speak on a parliamentary initiative within 15 sitting days. I am not prepared to make a long speech today, but I wanted to rise to adjourn the debate to a later date.

On motion of Senator Gauthier, debate adjourned.

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY ON STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce (Budget—Financial System), presented in the Senate on March 25, 2003.—(*Honourable Senator Kolber*).

Hon. Fernand Robichaud (Deputy Leader of the Government) moved adoption of the report.

Motion agreed to and report adopted.

[*English*]

STUDY ON PROPOSAL OF VALIANTS GROUP

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on National Security and Defence (*study on the proposal of the Valiants Group*) tabled in the Senate on December 12, 2002.—(*Honourable Senator Atkins*).

Hon. Norman K. Atkins: Honourable senators, I rise today to speak in favour of the fourth report of the Standing Senate Committee on National Security and Defence. This is actually a report from the Subcommittee on Veterans Affairs dealing with what we have come to know as the Valiants Group Project.

At the outset, I wish to identify myself with the remarks of Senator Meighen, chair of the subcommittee, that he made in this chamber in support of this initiative.

• (1650)

The subcommittee heard from the proponents of this project designed to salute the heroic wartime sacrifices of valiant women and men who fought victoriously for the freedom and independence of Canada over the last four centuries. The committee also reviewed correspondence from the various government agencies and departments concerned before we reached our conclusion.

As stated earlier by Senator Meighen, we found the proposal for the commemoration of valiants to be laudable. In our sole recommendation, we asked the government to reconsider its position on this project, given that its proponents are willing to reduce the number of statues, alter the choice of valiants and lower the costs.

I want would like to describe the project and list some of the accomplishments of a few of the valiants who might be honoured. First and foremost, this is a project designed to ensure in a graphic way that Canadians, especially our children, remember their history. The freedom and lifestyle we have today come at a cost — a cost paid by those who have gone before us, a cost paid through the centuries, before and after 1867.

The original proposal was to erect 16 statues, but the revised proposal will be less than that. It is suggested that they be located along both sides of Elgin Street, approaching the National War Memorial. The statues would be of valiant women and men who fought in wars that helped to shape our nationhood.

These valiants have been selected by a panel of well-known historians, including Jack Granatstein, David Bercuson, Serge Bernier, Alexander Douglas and Sid Wise, former Director of the Institute for Canadian Studies at Carleton University and author of numerous books on the history of the Canadian Air Force.

Among the valiants considered worthy of recognition is the Comte de Frontenac, heralded as the greatest Governor General of Canada during the French regime. He led the wars against the English colonists to the south, helping to preserve the identity of Canada in North America.

Both the Marquis de Montcalm and General James Wolfe might be recognized as commanders of the French and British forces respectfully. Joseph Brant, a Mohawk chief and United Empire Loyalist, fought on the British side in the American Revolutionary War. When the war was lost, he brought many of his people north to settle in Upper Canada.

Laura Secord is found among the valiants for her contribution as perhaps Canada's first female intelligence agent. In the War of 1812, she warned of an impending American attack at our outpost at Beaver Dams, leading to the capture of nearly 500 American troops and altering the course of the war in that area.

In this century, General Sir Arthur Currie, who commanded the 1st Canadian Division in World War I, might be recognized. His success in the battles of Vimy, Passchendaele and Amiens shaped the future of this country.

These are just some of the people identified as valiants, whose contribution to the growth of our nation would be commemorated by this project.

We are pleased that the Minister of Canadian Heritage has decided to take another look at this project. As we understand it, she has asked officials from the department and the War Museum to work with the Valiants Group, the project's proponent. I hope other senators will join in the discussion of this report by our Subcommittee on Veterans Affairs and that our work will result in our valiants being rightfully recognized so that Canadians can continue to be proud of our heritage.

On motion of Senator Prud'homme, debate adjourned.

• (1710)

The Hon. the Speaker: Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of the Deputy of Her Excellency the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

[Translation]

ROYAL ASSENT

The Honourable Louise Arbour, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Speaker,

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bills:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 (*Bill C-29, Chapter 3, 2003*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 (*Bill C-30, Chapter 4, 2003*)

To which bills I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

[English]

The sitting of the Senate was resumed.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Bryden*).

Hon. Roch Bolduc: Honourable senators, the Liberal government has taken \$45 billion by stealth from the Employment Insurance program. In theory, this money has just been borrowed from the EI account. The most recent budget spells out the government's game plan for cancelling that IOU to Canadian workers.

The Employment Insurance Commission, which includes representatives of business, labour and government, used to play a major role in setting premiums. The guideline that they were supposed to follow was to aim for stable premium rates over a business cycle. However, since 2001, the government has used the pretext of studying the way rates are set to keep those premiums above the stable long-term rate. That point was reached when the surplus passed the \$15-billion mark. Premiums are being kept artificially high.

Paul Martin was afraid that if the EI Commission followed the law that was put in place in 1996, it might make dramatic premium cuts. His answer was to temporarily give the government the power to set premium rates without regard to business cycles and without regard to the EI surplus.

The excuse was that they were going to look at the whole premium setting process, but they have never given a proper

reason for the rates that have been set since then, or for the surpluses that they have racked up.

Auditor General Sheila Fraser cannot conclude that the government has respected the law governing Employment Insurance, advising Parliament on December 2 in her final report on the 2001-02 fiscal year that:

In our view, it was Parliament's intent that the Employment Insurance Program be run on a break-even basis over the course of a business cycle, while providing for relatively stable premium rates. However, the accumulated surplus of the Employment Insurance Account increased by another \$4 billion to \$40 billion in 2001-02. Neither the Commission nor the government clarified and disclosed what constitutes an adequate level of accumulated surplus, the time required to reach that level, and the factors considered in setting the rate. Therefore, we are unable to conclude that the intent of the *Employment Insurance Act* has been observed in setting the premium rates for 2001-02.

Her comments were almost identical to those she had given a year previous when reporting on the books for 2000-01 in December 2001.

Shortly after her 2000-01 report, on December 28, 2001, the *Toronto Sun* reported the following observations from Walter Robinson, federal director of the Canadian Taxpayers Federation:

"Payroll taxes are profit-insensitive job killers," Robinson said. "And in the midst of a recession, Ottawa should not be punishing workers and employers who are needed to pull the economy out of its dismal state."

Robinson said the EI program has turned into a cash cow for the government, as the surplus is rolled into general revenues....

"There's no justification for it," Robinson said. "The government can choose to dismiss comments from groups that have raised concerns, but the government seems to be ignoring concerns of the auditor general, which is an independent watchdog."

Paul Martin's override of the premium setting rules set out in the EI act ends this fall. Unless John Manley changes the rules, or delays them, the Employment Insurance Commission would have little choice but to roll back premiums dramatically, as the money in the fund far exceeds what is needed to run the program in even the most severe of recessions.

How low? The program's actuary tells us that the break-even premium this year would have been \$1.75, which is a lot less than the \$1.98 that John Manley plans to legislate for next year and a lot less than the \$2.10 rate he set for this year.

• (1720)

The government really set the stage for a change in the way EI premiums are set in the House of Commons Finance Committee report on the 2000 Budget. In this report, released in late fall 1999, the Liberal majority basically told the government to forget about the money already in the

EI account when premiums are set because "Premium rates well below current levels would be required." The committee's Liberal majority went on to suggest that the premium setting process ignore the money in the account and ignore interest credited to the EI account, and instead look ahead to future economic conditions.

The Liberal majority did not point out that the "interest associated with that cumulative position" at the time would have reduced the long-term break-even rate for EI premiums by about 20 cents per \$100 of insurable earnings.

Two months later, buried on page 62 of "The Budget Plan for 2000" was the statement that: "The government is closely examining the recommendations of the House of Commons Finance Committee on future premium rate setting."

Then, on the eve of the 2000 election, the government announced on September 28, 2000, a series of changes to the Employment Insurance Act, such as an easing of the EI intensity rule and benefit clawbacks. However, along with the benefit changes came the announcement that the normal process and rules for setting premiums would be set aside for two years, and that, in the meantime, the government "would undertake a thorough review of the EI premium rate setting process."

This would have affected the way premiums were set for 2001 and 2002. When the bill to make this law died on the Order Paper when the election was called, the government simply changed the years to 2002 and 2003, and the EI Commission agreed to accept Paul Martin's proposed premium for the year 2000.

The Canadian Chamber of Commerce noted in its November 2002 position paper, entitled "Employment Insurance Program: In Need of Reform":

The federal government's rationale for allowing the Governor in Council to set the EI premium rate for two years is to ensure predictability and stability in the rate setting process.

While the government sought to ensure "predictability and stability" in the rate setting process, what we have seen is simply a move away from a positive consultation rate setting process to a secretive process with no consultation. In the view of the Canadian Chamber, this is hardly an effective public policy approach.

Prior to the Governor in Council setting the EI premium rate, the process was more transparent and consultative.

The Commissioners (Employers and Workers) established and maintained consultative and working relationships with a variety of private sector organizations who are clients of the Commission's services. This enabled the Commissioners to reflect internally the concerns and positions of the private sector regarding the program, including the premium rates.

The Chamber went on to say in the same paper:

While the federal government is the regulator and policymaker with regard to EI, it is the employers and employees who make the contributions and receive the benefits from the program. Accordingly, Canada's employers and employees are the principal stakeholders in the EI system. Therefore, the Canadian Chamber believes that the involvement of employers and employees lends legitimacy, accountability and credibility to the EI system.

The government has held no consultations with business or labour on the premium setting rules, even though it has had two and a half years to initiate such consultations, and even though time was running out to have new legislation in place.

Auditor General Sheila Fraser noted in her final report on the 2001-02 fiscal year:

Officials from the Department of Finance have advised us that internal research on the process for setting premium rates is continuing, but that no public consultations have taken place as yet. Much needs to be done before section 66 comes back into force in 2004, and the Canada Employment Insurance Commission must set the 2004 premium rate in the fall of 2003. The government should consider many questions in its review, such as the following:

What constitutes an adequate reserve and how much time is required to reach that level?

What are the impacts on premium payers and on the purposes and intent of the Employment Insurance Program in the short and long terms, where the account balance exceeds the maximum reserve considered sufficient by the Chief Actuary of Human Resources Development Canada?

In view of the growing size of the accumulated surplus, we urge the government to take all the necessary steps to clarify the rate setting process and to make the process more open and transparent.

Two and a half years after they first said that they would study the way rates are set, this year's budget announced a further one-year delay so that they could hold those consultations. Are they stalling because they have already made up their minds?

A background paper that accompanied the September 28, 2000, announcement that cabinet would take temporary control of the premium setting process dropped this hint:

The Government of Canada also announced that it would undertake a thorough review of the EI premium rate setting process. Last fall, the House of Commons Finance Committee concluded that the rate setting process as currently set out in the *EI Act* is flawed. It requires looking back to take into consideration the level of past surpluses of revenues relative to program cost, when in fact there are no past surpluses sitting in a separate account.

The Finance Committee stated that: "EI rate should be set on the basis of the level of revenues needed to cover program cost over a business cycle looking forward and not taking into account the level of cumulative surplus or deficit, nor any interest associated with that cumulative position."

What the government was saying is that they were very interested in a proposal that would remove the need to look at the amount of money in the fund when premiums are set and to stop crediting interest to the annual income of the fund.

Now, let us fast-forward to the February 18, 2003 budget. The program's actuary says that the current break-even premium for the EI program is \$1.75; yet, in his budget, the Minister of Finance declared that the break-even premium was \$1.98. How do we explain the 23-cent difference?

A very small part of this is the new compassionate leave rules, which add two or three cents to the break-even premium. The other 20 cents comes down to interest. The government will legislate itself out of its obligation to pay interest on the money that it has borrowed from the EI fund.

Honourable senators will not find this in the budget papers. We had to ask the officials from the Department of Finance for an explanation.

The Liberal government will legislate itself out of the obligation to pay \$2 billion in annual interest on the EI account, and it does not have the courage to spell this out in black and white. John Manley has the audacity to pass this off as a cut in premiums and to tell us that he will make everything more transparent. You cannot hide the facts and then pretend that you are being transparent.

The fact is that if they went back to the premium setting rules as they were before 2001, and if they respected the spirit of the law, premiums this year would have been about \$1.75 and would have been much the same the next year. For that matter, if they were to go back to the premium rules as the rules were when they were elected in 1993, there would be a three-year premium holiday, because it used to be the law that premiums had to be set with a view to clearing any surplus or deficit in the account within three years.

We do not expect them to do that because that \$45 billion is an accounting illusion. The money has been spent on the gun registry, on payments to Groupaction, on phony GST refund claims, on the Canoe Hall of Fame in Shawinigan, on new jet aircraft for the Prime Minister, on a half billion dollar helicopter cancellation penalty, and on HRDC grants to move jobs from one southern Ontario riding to another.

In the days leading up to the budget, there was some speculation that the Minister of Finance might actually come clean about the EI surplus. For example, the *National Post* of February 13, 2003, told us: "Mr. Manley is expected to concede there is no cumulative \$45-billion EI surplus to cover employee insurance." The budget does not mention the \$45-billion EI surplus. It is as if it never existed.

Let us pretend for a minute that the government never skimmed off that \$45 billion, and all that will happen is that the government will begin to look at the business cycle going forward rather than backwards when it sets rates, as was recommended by the House of Commons Finance Committee in the fall of 1999. Right now, we are at a point in the business cycle where unemployment is low, but if we look forward in a business cycle, then assumptions must be made about future jobless levels and about the length of the business cycle. Either assumption can be manipulated to keep premiums high in the name of "prudence."

The government will likely include both next year's legislated premium rate and the compassionate leave in the same bill. You cannot vote for one and against the other when the bill reaches third reading. The government will make it as hard as possible for parliamentarians to vote down its proposal to keep premiums artificially high for another year.

• (1730)

As a senior official in the Department of Finance, Don Drummond played a major role helping Paul Martin craft his budgets. Now a vice-president of Toronto Dominion Bank, Mr. Drummond was reported by *The Globe and Mail* on November 14, 2002, to have said, "It's just a general tax grab at the moment."

The same article included the following in reference to a study by economist Dale Orr of Global Insight:

Mr. Orr said Ottawa has kept EI rates unnecessarily high because of politics — not economics.

"[It] has all to do with political expediency and the tyranny of the status quo," the report concludes. "It's easier politically to fail to reduce a tax than it is to increase a tax and [that] cannot be defended as appropriate economic policy," it says.

Paul Martin changed the rules in 1996 when premiums were about to drop dramatically. When those rules no longer worked in his favour a few years later, he temporarily suspended them to keep premiums artificially high.

The Hon. the Speaker: Senator Bolduc, I regret to advise your 15 minutes have expired.

Some Hon. Senators: More time.

Senator Bolduc: Two hundred seconds.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Bolduc: John Manley is extending that temporary suspension for another year while he works on yet another set of rules that work in the government's favour.

The bottom line is that this government has forced Canadian workers and those who employ them to make a \$45-billion payment toward the Liberal legacy.

The Hon. the Speaker: Will you take a question, Senator Bolduc?

Senator Bolduc: Yes.

[Translation]

Hon. Yves Morin: Honourable senators, the senator seems to be accusing the government of having accumulated budgetary surpluses over the years. Does he not realize that these surpluses have allowed the government to make the transfer payments that fund the health care system, which is the priority of Canadians?

Second, in the last budget, I am certain that the senator is aware that Employment Insurance premiums were, in fact, reduced.

Senator Bolduc: Yes, by a mere ten cents. The government is quite prudent. We believe that premiums could be reduced by a further 20 cents.

In answer to your first question, the government gave the provinces some money back, but budget cuts were so severe that I am not convinced that the provinces are receiving as much as they did in 1994.

When the government runs a surplus, it means it has taken money from the employers and the employees. In short, they are just playing with words. They are calling this an account, but in reality there is no account. It is the consolidated revenue fund. If there is a lesson to be learned here, it is that in future specific taxes should never be created. They never work. When things are good, the government grabs all the profits. Quebec did the same things with the Régie de l'assurance-automobile. When there is a surplus, they grab everything. This means that governments cannot keep their word.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

FOREIGN POLICY ON THE MIDDLE EAST

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to Canada's foreign policy on the Middle East.—(Honourable Senator Prud'homme, P.C.)

Hon. Pierre Claude Nolin: Honourable senators, I wish to thank Senator Prud'homme for introducing this inquiry. We must acknowledge his determination.

This is a topic close to his heart. His interest in it predates his coming to the Senate. He has shown determination throughout his public life. I think it is much to his credit to provide Parliament from time to time with an opportunity to look into Canada's foreign policy in the Middle East.

Throughout our country's history, the emphasis on an articulate foreign policy taking into account both our national

interests and our values have made Canada a credible and respected international partner. Earlier, in his speech on second reading of Bill S-17, Senator Bolduc told us how important foreign policy is.

The political situation in the Middle East is of the utmost concern to parliamentarians and to Canadians. Allow me to list a few causes for concern.

First, the Palestinian-Israeli conflict has been going on for several decades. Now, there is the war in Iraq, but that is not all. There is also the role Iraq has been playing since it achieved independence, a role it has played over the years in the interests of various countries, not to name any. A third cause for concern is international terrorism as an unfair weapon of influence. My list would not be complete if I failed to mention the role and importance of oil production in the global energy picture.

Canada's influence in that part of the world is certainly substantial. I do not want to question how substantial it is right now. We can draw our own conclusions at the end of the debate. This substantial influence must exist and be maintained.

Those honourable senators who were here at the time will recall that, a few years ago, we were asked to vote on a bill to implement a free trade agreement between Canada and Israel. I would have liked that legislative decision to be part of a Canadian international policy on the Middle East.

At the time of the debates leading up to the adoption of that bill, it was very difficult to identify and develop this Canadian policy for the Middle East. Some honourable senators no doubt recall this sadly famous statement the Prime Minister of Canada made in Jerusalem in 2000, when he replied:

I don't know exactly where I am right now. I don't know if I am in West, South, North or East Jerusalem right now. I came here to meet with the (Israeli) prime minister...

• (1740)

Unfortunately, this statement was circulated in the Arab countries, and I think it damaged Canada's credibility and the importance of its foreign policy in this region of the world.

The last parliamentary study on this dates back to 1983. I remember speaking about it with some colleagues recently; they mentioned the vigorous debate the study had generated at the time and how little interest there was in raising a similarly vigorous debate in Parliament now, although I believe it is needed. It is not because people in one region of the world have their rights trampled on — even for clearly identified economic and national interests — or because the loss of these rights inflames passions that we must not, as parliamentarians, examine the issue. On the contrary, we must do so in full recognition of and respect for our values.

I was saying that the last parliamentary study dates back to the early 1980s. Since then, the socio-economic and political situation in the Arab world has greatly evolved. The war in Iraq, which I have just mentioned, while a terrible tragedy, may have one positive impact, by forcing parliamentarians and Canadians to redefine Canada's policy in the Middle East.

To assist us in our examination of the inquiry raised by Senator Prud'homme, I consulted a report written by experts from the Arab world for the United Nations Development Programme. The report sets out some very interesting lines of enquiry, since it contains conclusions and useful recommendations. It is entitled "Arab Human Development Report 2002." The Arab world defines itself as the 22 member States of the Arab League, which have a total population of more than 280 million, or 5 per cent of the world population.

Here are the main conclusions of the report on the current situation in the Arab world. First, the report notes major progress since the 1960s, in particular, in basic social services like health, housing and education.

On the economic front, total productivity of inputs has been evaluated as 0.2 per cent per year, on average, from 1960 to 1970. Per capita GNP was higher than those of the new economies in Asia in 1960. This includes South Korea, Taiwan, Singapore, Hong Kong and Indonesia. Today, the GNP is equal to half the GNP of South Korea. This is a definite decline.

The combined GDP of all Arab countries combined was \$531.2 billion U.S. in 1999, less than the GDP of a single European country such as Spain, whose GDP for the same period was \$596 U.S.

Workforce productivity in the industrialized Arab world was 32 per cent of North American productivity in 1960. Today, it is only 19 per cent. In 1998, the average yearly income per Arab person was only 13.9 per cent of what people in OECD member countries earned.

Let me touch on education, research and development. Since 1995, resources dedicated to education in this part of the world have been whittled down. Compared to industrialized countries, spending per capita on education in the Arab world was 20 per cent of similar spending in the western world in 1980. Today, it is only 10 per cent.

The quality of teaching has also declined, leading to a decrease in analytical knowledge and skills. In addition, the report found that public education was of a very poor quality, and contributed to social stratification and poverty. Ten million children in this part of the world do not have access to schooling. The illiteracy rate among adults, though it has dropped from 60 per cent in 1980 to 43 per cent in 1990, still represents 65 million people, two thirds of whom are women.

One Arab woman in two cannot read or write. Higher education rates are at 13 per cent, which is greater than those of developing countries, which is 9 per cent. However, it is much lower than that of industrialized countries, which is 60 per cent. Spending on research and development relative to the GDP was less than 0.5 per cent in the Arab world in 1996, compared to 1.26 per cent in Cuba and 2.9 per cent in Japan.

As for habitat and the environment, 15 Arab countries out of 22 lie below the poverty level as defined the UN when it comes to

access to drinking water, with less than 1,000 cubic metres of water available per capita per year.

In terms of public life, Arab women, who represent more than half of the electorate, hold only 3.5 per cent of the seats in the various legislative assemblies, compared to 12.9 per cent in Latin America and the Caribbean. Despite progress made in certain countries in the last 25 years, participation in political spheres and the right to freedom of expression or association remain limited, even very limited. The quality of institutions of public administration and governance in the Arab world is inferior to what can be seen in the rest of the world.

The consequences of underdevelopment in Arab countries are weakened productivity, an underfunded education system and insufficient investment in research and development. Workforce mobility is poor since there are few job opportunities. Furthermore, graduates are leaving the region for obvious reasons, for the West, where they find well-paying jobs.

So, there has been a brain drain, particularly over the past decade. In fact, millions of Arabs have left their region to come to our country. According to a poll in this report, more than half of all young Arabs surveyed want to immigrate to the industrialized world.

The weakness of political institutions must be mentioned. Recourse to the old "planned economy" approach to economic development has slowed production growth. The report makes note of the lack of ethics. In specific terms, it speaks of trade and business corruption. This substantially limits the spirit of enterprise and the development of a financial system comparable to ours. Foreign investment in the region, only 1 per cent of the total flow of direct foreign capital in the world, is limited to the Middle East.

Social cohesion among the various segments of society is greatly reduced, resulting in a series of regional or local conflicts. Some of you will no doubt talk about human rights violations.

• (1750)

I spoke about the poor educational system, despite some improvement since the 1960s. What recommendations does this report make? The report concludes that the region has significantly reduced poverty — this is stated — and inequalities during the 20th century. It will be able, perhaps, to build on such efforts in the 21st century. The authors do not believe that revenues from oil and gas development can put an end to poverty or the problems related to sustainable development of these countries.

First, the Arab world is extremely dependent on oil, which represents 70 per cent of all exports for this region.

[English]

The Hon. the Speaker: I regret to advise the honourable senator that his time has expired.

[Translation]

Senator Nolin: Thank you, honourable senators. Some 70 per cent of oil revenues are invested elsewhere. Second, a major portion of the revenues from oil development is invested abroad and by focussing its energies on oil development, the Arab world has kept itself apart from market globalization.

Again, according to this report, economic growth alone will not help put the region on the path of sustainable development either. The report recommends the following solutions to improve human development in the Middle East.

The first recommendation for a solution is to end the Israeli-Palestinian conflict. According to a UNDP press release published when the report was tabled, this body of the UN told us that the conflict is a contributing factor to the lack of democracy in that region, because it both causes development to fail and is used as an excuse. It disrupts national political priorities and delays political development for the entire region.

The second recommendation for a solution is to reform the political, administrative, and legal institutions in a manner that respects the religious and cultural traditions. There is a strong religious and cultural clash in this region. This should not prevent us from engaging in consultations that respect the equality of individuals.

We must promote the advancement of democracy and human rights, individual initiative, while promoting the emancipation of women, deregulation, private sector growth in the economy and transparency in the management of economic, public and budgetary affairs.

The third recommendation for a solution is to invest significantly in education, the preparation of textbooks, culture, health, research and development, promotion of the Internet and other information technologies, in order to improve the literacy rate and education of the Arab population. In other words, there needs to be a huge investment in knowledge economy.

Honourable senators, I have a lot more to add. I asked you to allow me to speak for a few more minutes. I would like to thank Senator Prud'homme again for introducing this inquiry. There is no doubt that Canadians and Canadian parliamentarians must take part in this reflection that you asked us to engage in. I hope the Government of Canada will take action and take note of the recommendations that come out of this debate.

[English]

Hon. Marcel Prud'homme: As honourable senators have seen, it is possible to speak about the Middle East in an orderly fashion, knowing all of the susceptibilities.

I thank the honourable senator very much for his intervention, because it was a great encouragement. I hope other honourable senators will participate before I put my own views forward. I will have a different approach, but the honourable senator has touched on the major problem that brings me to the first issue.

The honourable senator is aware of how the problem started, at least part of it, by the creation of the famous United Nations resolution of November 29, 1947, which declared from that time forward there would be two countries in the land of Palestine: one for the Jewish people and one for Palestinian people. Lester B. Pearson facilitated this event. The resolution was written in part by Mr. Justice Rand of the Supreme Court of Canada. I would like honourable senators to investigate this aspect and then we could pay homage to some of our other colleagues.

Honourable senators may not be aware of the great reputation of Senator Keon in Saudi Arabia. Dr. Keon taught over there and people speak very highly of him. He played a part in the training of many cardiologists in that country. I wish to pay homage to Senator Keon. I take this opportunity to thank the Honourable Senator Keon on their behalf. I also thank the honourable senator personally. He is above politics; he is a great professional.

[Translation]

Senator Nolin: Honourable senators, I will try to answer that question.

[English]

If the only recipe for finding a viable solution were to be looking to the past, I think that approach would fail. What is important is to ask Canadians not to impose values, but to use our values to try to understand the reality of the situation in that region.

A delegation from this chamber was in that part of the world a few years ago. The Speaker of the day was with us, as were Senators Rompkey, Prud'homme and Milne.

The cultural reality of Saudi Arabia is similar to that of neighbouring countries — it is important to try to understand it. Since 1947, they, too, have evolved somewhat in certain areas and greatly in others. To focus on what happened 55 years ago would be wrong. We must join with them to find a peaceful solution.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I think we could find consent to have all items on the Order Paper that have not been reached stand in their place.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Leave having been granted to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until next Tuesday, April 1, 2003, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 1, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 37th Parliament)
 Thursday, March 27, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | | | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|---|----------|---------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | | | | | | | |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | | | |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | | | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | divided | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | - | - | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|----------|--|-----------------|----------|-------|
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | — | — | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | | | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | — | — | — | 02/12/11 | 02/12/12 | 27/02 |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|--------|-------|-----------------|------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | | | | | |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|----------------------------------|--------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|---------------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrestall) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | | | |
| S-9 | An Act to honour Louis Riel and the Métis People (Sen. Chalfoux) | 02/10/23 | | | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | | | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |
| S-15 | An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools) | 03/02/13 | | | | | | | |
| S-16 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver) | 03/03/18 | | | | | | | |
| S-17 | An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc) | 03/03/25 | | | | | | | |
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OFFICIAL REPORT
(HANSARD)

Tuesday, April 1, 2003

—
**THE HONOURABLE DAN HAYS
SPEAKER**



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, April 1, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before we proceed to Senators' Statements, I wish to draw your attention to the presence in the gallery of the Honourable Neil Andrew, MP and Speaker of the Australian House of Representatives, Ms. Maria Vamvakinou, MP of the Australian House of Representatives, and Senators Grant Chapman and Jeannie Ferris of the Australian Senate. They are accompanied by Australia's High Commissioner to Canada and his wife. Welcome to the Senate of Canada.

[Translation]

SENATORS' STATEMENTS

CANADIAN CANCER SOCIETY

Hon. Yves Morin: Honourable senators, April 1, this very day, marks the beginning of the Canadian Cancer Society's fundraising campaign and the beginning of Daffodil Month. More than 200,000 Canadians are involved in this noble undertaking.

[English]

The Canadian Cancer Society, its staff and more than 200,000 dedicated volunteers provide support for those suffering from cancer. Their work focuses on prevention and control of cancer and on the provision of information to Canadians. I would like, this year, to focus on the contribution of these remarkable volunteers dedicated to treating, preventing and eradicating this terrible disease, while supporting those living with it. These volunteers are involved in fundraising such as selling daffodils and canvassing our streets during Daffodil Day. They also help people cope with cancer by providing emotional support, by driving people to and from cancer-related care and by providing services to people receiving cancer treatment. Finally, they promote healthy living and risk reduction in schools, community groups and in the workplace by making presentations and setting up displays.

During my professional life, I also found the selfless dedication of volunteers both remarkable and touching. One such volunteer is Daisy Sheppard from Grand Falls-Windsor in Newfoundland and Labrador. Mrs. Sheppard recently received the Certificate of Merit, presented to a volunteer involved in a major way in the fight against cancer. She has been instrumental in implementing a volunteer group to help at the chemotherapy group in Grand Falls-Windsor.

Two other volunteers, Mr. Mike Bossy, who enjoyed a dazzling career in the National Hockey League, and his brother-in-law,

Mr. Pierre Creamer, have both experienced cancer through a loved one. Both have shown unwavering commitment to the fight against cancer. They have created successful fundraising events that have raised more than \$800,000 over the years for the Canadian Cancer Society.

[Translation]

Honourable senators, today I would like to pay tribute to all the Canadian women and men who work devotedly and tirelessly, often in the shadows and often too in difficult circumstances, in the battle against this modern-day scourge, cancer.

JUSTICE

DECISION OF QUEBEC COURT OF APPEAL ON YOUNG OFFENDERS ACT

Hon. Serge Joyal: Honourable senators, yesterday, March 31, 2003, the Quebec Court of Appeal, in a unanimous decision by five judges — the Chief Justice among them — reached the conclusion that the Youth Criminal Justice Act, enacted in 2002, was constitutional and complied with two treaties signed by Canada, but that two series of provisions of the act were contrary to article 7 of the Canadian Charter of Rights and Freedoms.

Honourable senators will recall that this bill had triggered some long and lively debates in the House and in committee, and that a number of senators on both sides of this Chamber expressed the opinion that this bill did not recognize the particular status of young offenders by imposing upon them a legal burden that exceeded their legal rights and capacities.

First of all, it must be pointed out — and this is a rare occurrence — that the justices acknowledged the importance of the Senate debates on this matter. The court noted in paragraph 14:

Subsequent to their analysis of the Young Offenders Act, the task force and the standing committee made recommendations which culminated, after lengthy debates in the Senate, in royal assent for Bill C-7 on February 19, 2002.

To my knowledge, this is the second time in recent memory that one of this country's high courts has acknowledged the importance of the work of the Senate. Honourable senators will recall that the Supreme Court also acknowledged the lengthy parliamentary debates in connection with extradition and the death penalty in *Burns and Rafay* in 2001.

• (1410)

The two violations of section 7 of the Charter identified by Quebec's Court of Appeal deal with the presumed subjection of adolescents to the adult sentencing system and also the publication of the names of young offenders tried under the adult system.

How do these series of provisions violate the Charter? The Court of Appeal is clear; these two elements violate the principle of fundamental justice found in section 7 of the Charter. Several senators raised this issue throughout debate on the bill, in committee and in the Senate. Senators from both sides introduced amendments to address these flaws in the bill.

These amendments were defeated. Today, the Court of Appeal has established three clear points. First, that the treatment of young offenders must be distinct from that of adults. Second, that the justice system for young adolescents must limit the disclosure of identity in order to prevent offenders from being stigmatized to the point of jeopardizing rehabilitation; and three, that the justice system for minors must emphasize rehabilitation and must imperatively consider the best interests of the child.

[English]

Honourable senators, we must be very attentive when a bill debated in our house raises Charter issues, particularly in association with the weakest groups in our society. The Court of Appeal has stated that youth are among the most vulnerable groups in Canadian society, and we must be careful not to pass legislation that violates the principle of fundamental justice.

The Hon. the Speaker: I regret, Senator Joyal, that your time has expired.

CANADIAN COAST GUARD AUXILIARY (PACIFIC REGION)

Hon. Pat Carney: Honourable senators, on a moonless night on September 13, 2002, a fish boat carrying five crew members foundered off the craggy rocks of Jenny Reef, near B.C.'s spectacular Long Beach. Shortly before one o'clock in the morning, Unit 38, all volunteers, of the Canadian Coast Guard Auxiliary (Pacific Region), or CCGAP, was dispatched to rescue the crew.

In heavy seas and darkness, volunteer auxiliary members Greg Blanchette and Shawn England picked their way through the rocks to the stricken vessel, successfully removing the five people from the fish boat and taking them to safety in Ucluelet. Half an hour later, the damaged fishing vessel broke up and sank.

Recently, at the annual general meeting of the CCGAP, held in Courtenay, B.C., Greg and Shawn were awarded certificates of merit for their bravery and service. The auxiliary's Pacific region celebrated its many other successes of 2002 as well.

Last year, more than 1,400 volunteers in 50 B.C. communities responded to almost 1,000 calls for help, assisted nearly 1,100 people and saved 194 lives. All of this was done by a dedicated and courageous group of volunteers who provide this service 24/7, 365 days a year, to help the Canadian Coast Guard keep B.C. mariners safe.

Now, the auxiliary has a challenging year ahead. Its primary support comes from a contribution agreement negotiated with the Canadian Coast Guard for \$900,000 for B.C. That agreement did not take into account a near doubling of insurance premiums last year and sharp increases in the cost of fuel. In addition, the Coast

Guard has asked the national Canadian Coast Guard Auxiliary to expand its services without providing extra funding, saying, "if you do not do it, it will not get done."

Honourable senators, in this year's budget, \$94.6 million was allocated to the Coast Guard over the next two years for major repairs to its fleet, for shore-based infrastructure and capital replacement purchases. While this is welcome, by the department's own accounting, it is a far cry from the \$350 million needed to renew its aging fleet and an even further cry from the additional \$160 million required annually to fulfil its mandate to provide and support marine search and rescue and safety programs at a minimum level of operation. The Canadian Coast Guard Auxiliary's annual budget is \$4.5 million per year. We must find extra money. The Coast Guard and its auxiliary are severely underfunded, particularly on the Pacific Coast, where the waters are open all year round. In other areas, the seas and the lakes are frozen and they have a more limited season. The dedicated volunteers of the Canadian Coast Guard Auxiliary, the members of the Canadian Coast Guard, and the Canadians who depend on them to work on our oceans and lakes deserve no less.

[Translation]

THE PAUL GÉRIN-LAJOIE FOUNDATION

Hon. Lise Bacon: Honourable senators, I am going to talk about the child sponsorship program of the Paul Gérin-Lajoie Foundation, a non-governmental organization that is active in international cooperation.

Child sponsorship allows an adult in Canada to take, under his or her wing, a child living in a poor country and help the child's development. This initiative gives the child an opportunity to live a normal life and to attend a school that is in good condition and has school books and a library. I myself am the sponsor of a young Haitian girl, with whom I correspond regularly.

This is necessary aid that may change the life of a child. It generates hope and it gives more courage to children who are living in a difficult environment, where resources are limited.

Education is a tool for social transformation. It is an essential element to fight poverty effectively and to provide the means to make headways in a rapidly changing world. The Paul Gérin-Lajoie Foundation helps children who have been left to fend for themselves. It calls on our noblest feelings of compassion, solidarity and humaneness.

The objective of child sponsorship is twofold: to improve a child's living conditions, which is essential to his or her success in school, and to support the child and his or her community. In order to truly help a schoolboy or a schoolgirl, it is necessary to improve his or her environment, while also supporting his or her community. Helping the community has a direct impact on the child. It may mean renovating a school, implementing an adult literacy program, or providing training that will give useful trade skills.

There is no question about it, the funds collected through this sponsorship program help provide better support to the schoolboy or schoolgirl. I can only strongly encourage you to support the Paul Gérin-Lajoie Foundation's efforts, and particularly its child sponsorship program.

Helping the foundation not only promotes social justice, individual development and the dissemination of knowledge, it is first and foremost the heartfelt urge to change the life of a person, a child who is full of hope and who aspires to a better life.

[English]

COMING INTO FORCE OF YUKON ACT

Hon. Ione Christensen: Honourable senators, today is a very special day in the Yukon. When the Yukon was created as a territory out of Rupert's Land in 1898, the government of the day was comprised of an appointed Commissioner with an appointed Advisory Council. That was quickly changed to four elected council members.

Things remained relatively unchanged until 1960, when the administration of schools, public works and welfare became a territorial responsibility. Through the 1960s and 1970s, more and more powers were given to elected members.

In 1978, there was a territorial election in which candidates ran on party lines. For the first time, we had a government leader with ministers and a caucus, but the commissioner still chaired the executive or cabinet. In 1979, the commissioner was instructed to withdraw from active participation in the government and to take on duties similar to those of a lieutenant-governor in the provinces.

Through the 1980s, the Yukon acquired more responsibilities for the Northern Canada Power Commission and in 1988, a memorandum of understanding on devolution was signed. More powers were devolved: freshwater fisheries and mine safety in 1989; inter-territorial roads in 1990 and the Yukon portion of the Alaska Highway in 1992. In 1993, the long-negotiated Yukon First Nations Umbrella Final Agreement was signed, opening the way for all 14 Yukon First Nations to negotiate their own agreements. This also set the stage for more action on the devolution of powers for the Yukon government. In 1993, hospitals were transferred and, in 1997, community health care, with an oil and gas accord in 1998.

As you can see, bit-by-bit, piece-by-piece, the Yukon government has taken on responsibility for managing Yukon affairs together with our Yukon First Nations.

Last year, we passed in this place Bill C-39, the Yukon Act. It transferred the last remaining control of land and resources to the Yukon Territorial Government.

Honourable senators, the Yukon Act comes into force, effective today, April 1, 2003. It is a proud day for all Yukoners. The responsibilities are huge. It will not make the decisions any easier, but they will be decisions made in the Yukon, by Yukoners and for Yukoners.

• (1420)

Many people have been involved in this lengthy process: Yukon governments of every persuasion, Yukon First Nations, federal ministers and Prime Ministers. Each has added to the process,

each has left his or her mark, and each is owed a debt of gratitude for the work and the dedication that they have given to the ongoing process.

Today is not the end of a process; it is only the beginning. Today will always be special when the history of the Yukon is written. Today all Yukoners are, for the first time, managers of our destiny in the development of our territory.

Honourable senators, I would ask leave to distribute to all senators a pamphlet with a Yukon pin as a commemoration of this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS TRIBUNAL

2002 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the annual report of the Canadian Human Rights Tribunal for 2002, pursuant to section 61(4) of the Canadian Human Rights Act.

[English]

ASIA-PACIFIC PARLIAMENTARY FORUM

ELEVENTH ANNUAL MEETING, JANUARY 13-15, 2003—REPORT TABLED

Hon. Jack Austin: Honourable senators, I have the honour to table, in both official languages, the report of the eleventh annual meeting of the Asia-Pacific Parliamentary Forum held in Kuala Lumpur, Malaysia, from January 13 to 15, 2003.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC AFFAIRS AND DEVELOPMENT COMMITTEE MEETING, JANUARY 23-24, 2003 AND FIRST PART OF 2003 ORDINARY SESSION OF PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, JANUARY 27-31, 2003—REPORT TABLED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have the honour to table the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation at the meeting of the Committee on Economic Affairs and Development held in London, England, from January 23 to 24, 2003, and to the First Part of the 2003 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from January 27 to 31, 2003.

[Senator Bacon]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks: Honourable senators, I give notice that, at the next setting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit on Tuesday, April 8, 2003 at 5:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

QUESTION PERIOD

THE SENATE

JUSTICE—STUDY ON DEFINITION OF MARRIAGE

Hon. Gérard-A. Beaudoin: Honourable senators, section 91 of the Constitution declares that marriage and divorce are the responsibility of the Parliament of Canada. We have already legislated on divorce, but there is no federal law or statute on the definition of marriage. We have only the common-law definition.

My question is addressed the Leader of the Government in the Senate. Is it the intention of the government to define the word "marriage" in a statute? We should do so. If we do not do so, the question will be left to the courts. There are already three cases before the courts.

Honourable senators, a committee in the House of Commons is studying the matter. Is it the intention of the government to do the same in the Senate and refer the entire question to the Standing Senate Committee on Legal and Constitutional Affairs?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. He is quite correct. There is a House of Commons committee. The Minister of Justice prepared a white paper that was given to this committee. The white paper forms the basis for conducting public hearings.

There is, of course, nothing to stop the Senate from bringing a reference to this chamber and having the Standing Senate Committee on Legal and Constitutional Affairs or any other committee, perhaps the Standing Senate Committee on Human Rights, also engage in this study.

The Minister of Justice has asked the House of Commons Standing Committee on Justice and Human Rights to provide views on the paper that he distributed to that committee.

Senator Beaudoin: Honourable senators, if the matter is with the Justice and Human Rights Committee in the other House, the matter should be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— ASSISTANCE TO PROVINCES MONITORING PATIENTS UNDER QUARANTINE

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate regarding the worsening outbreak of SARS, Severe Acute Respiratory Syndrome, in the Toronto area.

It was reported on Sunday that a fourth person had died from this disease. Yesterday, the Hospital for Sick Children announced that it is treating five probable or suspect cases in children and began referring patients to Ottawa.

Ontario public health officials have asked patients, staff and visitors to Scarborough Grace Hospital and York General Hospital, since March 16, to quarantine themselves for 10 days from the time of the visit to the hospital. This is the largest mass quarantine in Canada since the Second World War. It is affecting thousands of people. A voluntary quarantine has any number of logistical problems, not the least of which is to make certain it is effectively monitored to ensure that the disease does not spread further through the general public.

What actions has Health Canada undertaken to assist the Ontario Ministry of Health, indeed all ministries of health, for the proper monitoring of those patients under quarantine?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator well knows, the specific details of how the disease is treated within each individual province is, of course, within the prerogative and the responsibility of that particular province.

However, Health Canada officials have been working with particularly the Province of Ontario, as that is where the major outbreak has taken place. There is a suspected case in New Brunswick and a number of suspected cases in B.C. They had thought that the outbreak had been contained to one, but apparently, it has spread beyond that number now.

Health Canada officials are at the disposal of the health officials in Ontario, at their request.

In addition, the health of Canadians is the direct responsibility of the federal government in several areas. One such area is the Canadian Science Centre for Human and Animal Health in Winnipeg, which is working virtually around the clock with Level 4 labs around the world to determine the cause of this disease, and then, hopefully, identify the correct treatment. As a physician, the honourable senator knows well that they are trying a number of things at the present time, including a number of drugs.

Another federal responsibility is how people are arriving or departing this country, either bringing the disease with them, or perhaps, tragically enough, taking the disease out with them. Pearson Airport has been designated as the one airport in Canada of concern to the WHO. Pearson began today to staff the airport with Health Canada nurses to provide information to all passengers leaving the country, and also to meet passengers coming into the country, especially from those countries that have had a SARS outbreak, particularly China and other Southeast Asian countries.

• (1430)

SEVERE ACUTE RESPIRATORY SYNDROME— DAILY STATUS REPORT

Hon. Wilbert J. Keon: I thank the honourable senator for that very clear answer. I am not at all underestimating the magnitude of this problem, particularly given federal-provincial responsibilities. However, a tremendous number of agencies and institutions seem to be issuing information at the present time. On any given day, it seems difficult to get a clear and concise up-to-date report on just what is happening with the disease.

My supplementary question is this: Is the minister aware of any plans in Health Canada for a daily status report which would give the geographic distribution of the outbreak so that people could avoid these areas and, hopefully, avoid transmission of the disease?

Hon. Sharon Carstairs (Leader of the Government): I can give the honourable senator some of those statistics. As of March 31, 2003, there were 109 probable and suspected cases in Ontario; 13 probable and suspected cases in British Columbia; five suspected cases in Alberta; one suspected case in Saskatchewan; and one suspected case in New Brunswick. Apparently they are being reported to Health Canada on a daily basis. They were expecting higher numbers this morning. I do not have those higher numbers at the present time; only the ones as of approximately this time yesterday.

SEVERE ACUTE RESPIRATORY SYNDROME—INVOKING OF QUARANTINE ACT

Hon. Marjory LeBreton: Honourable senators, my question to the Leader of the Government in the Senate is on the same matter. There has been some speculation concerning Health Canada's possible use of the Quarantine Act to deal with the speed of the spread of SARS. Under that act, Health Canada officials would be authorized to detain incoming and outgoing travellers showing symptoms of SARS and to seize planes for 48 hours. No special procedure is needed to implement this legislation, as the Health Minister has the discretionary power to use it when it is deemed necessary.

Yesterday's *National Post* quotes Dr. Paul Gully, Director General of Health Canada, as saying that the government will not invoke the Quarantine Act at this time, as that would be an extreme measure. We note the situation in Southeast Asia with respect to SARS is getting more serious by the day, and quarantine laws are being enforced in countries all across the

region. It is hard not to see why, as doctors in Singapore have started wearing germ warfare suits to treat patients, and the infected residents of an apartment complex in Hong Kong have been evacuated to a special isolation camp.

Would the Leader of the Government in the Senate, therefore, tell honourable senators under what circumstances this government would consider invoking the Quarantine Act?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator correctly reports, Dr. Gully does not think that it is warranted at this time. He is in daily contact with all of those directing the information and patients at the provincial level. The decision will be made in conjunction with all of those players as to when it is, if ever, necessary to institute and to use the Quarantine Act. As the honourable senator knows, and as was quoted quite accurately, it is a strong act. I want the honourable senator to be confident that the situation is being monitored, literally hour by hour, as to whether there is sufficient cause to invoke that act.

SEVERE ACUTE RESPIRATORY SYNDROME— MONITORING OF AIRLINE PASSENGERS

Hon. Marjory LeBreton: Honourable senators, I was listening to the answer the minister gave to my colleague Dr. Keon. Dr. Paul Gully yesterday stated that checking 36,000 outgoing travellers from Toronto's Pearson airport would be impossible to do, although, as the minister said today, they are now checking outgoing passengers. The minister is shaking her head no. My question is: Is any procedure being put in place to monitor outgoing passengers so that we do not carry this disease from Canada to other parts of the world?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, yes. The WHO asked us to provide information to each and every passenger who is leaving the country as to symptoms and contact areas. In other words, since March 16, have they been in a particular hospital in Toronto? That kind of information is being provided to each outgoing passenger.

Dr. Gully has recommended, so far, that there is nothing of such urgency at the present time that would justify physically examining the 39,000 passengers that, I understand, exit from Toronto airport each and every day.

Senator LeBreton: This is a serious matter. I understand the problems in numbers, with the 39,000, as the minister says, from Pearson airport, as well as the thousands out of Vancouver and other international airports such as Montreal and Halifax. How are they able to determine that they actually have proper information from those departing passengers to ensure we do not spread this disease?

Senator Carstairs: At this point, as I indicated to the honourable senator, they are providing it in card form — all of the detailed information as to symptoms, as to location, and as to contacts that they may have had. To some degree, the honourable senator is correct in that it is a self-identification system at the present moment. If the Quarantine Act were invoked, it would require the physical examination of every single departing traveller, which, as the honourable senator can well imagine, would virtually bring travel to a halt.

Honourable senators, we must bear in mind that the seriousness of this disease is, to date, not the numbers who have died from it, because the numbers who have died from it are still relatively small. In this country, they are working at about 4 per cent. We have more than that who die from regular pneumonia in any given year. It is higher than that 4 per cent total. What is of real concern in this case is that we do not know yet how to treat it. Of the patients in Ontario, for example, there have been five deaths, and each one of those to that family obviously is very tragic. However, in the overall scheme of a pandemic or an epidemic, at this stage, it is not very large.

Hon. Pat Carney: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Vancouver, through Vancouver International Airport, is the gateway to Asia-Pacific for both Canadian and American carriers. Of course, it is impacted by the SARS scare. There is also apprehension that the traffic across the Pacific will be devastated by the fear of SARS when it is, at this moment, quite localized in Asia. Yet, Health Canada's advisory stipulates that the People's Republic of China, which means that people going to Beijing with Air Canada, or Shanghai as well as Hong Kong, do not know whether or not to cancel their flights. I am told that the traffic coming out of China has been maintained fairly well, but the passengers going to China have been cut severely.

Is there any way we could pinpoint more accurately the parts of the People's Republic of China, a very large country, that should be off limits to Canadians at this time so that other travellers can proceed with some safety, or is it a question of simply not having the necessary information?

• (1440)

Senator Carstairs: Honourable senators, part of the problem is that we do not have the necessary information. The WHO is trying to get that information. It was thought, at one point, that Beijing was free from SARS; but now there are apparently some suspected cases of SARS in Beijing.

The WHO is monitoring flights out of, rather than into, any country. That is why we have placed additional quarantine officers in Vancouver and additional health support, as well, in order to greet the passengers coming in. Those passengers are given exactly the same information that outgoing passengers are given. Also, these passengers will be given additional information and told where to go if they develop flu-like symptoms that could be SARS.

NATIONAL DEFENCE

PERSONNEL SERVING WITH COALITION FORCES IN PERSIAN GULF—DUTY STATUS

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the government admitted that Canada has at least 31 soldiers, sailors and aircrew serving with coalition forces in the Persian Gulf. My question is as follows: Is their time of service with these coalition forces being considered as active duty or wartime service?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my understanding is that these soldiers are considered to be on active war duty; however, I will obtain verification of that.

Senator Forrestall: I would appreciate that very much.

As the Leader of the Government knows, wartime service has other implications having to do with government jobs and access to other benefits.

The minister may want to determine if the government has taken steps to ensure that these Canadians do receive pensions and the other benefits to which they and their families are entitled. In particular, has an Order in Council been passed that would place these people on active service and accommodate these other requirements?

Senator Carstairs: As the honourable senator knows, that is a very specific question and one in which he and I share a common interest. I will try to verify whether such an Order in Council has been passed.

PERSONNEL SERVING WITH COALITION FORCES IN PERSIAN GULF—STATUS IN THE EVENT OF INJURY

Hon. J. Michael Forrestall: All honourable senators are grateful to the Minister of Veterans Affairs and to the government for extending to all ranks the compensation for dismemberment in the amount of \$250,000 under the Service Income Security Insurance Plan. I draw to the attention of honourable senators the effort of Major Bruce Henwood, who is largely and singularly responsible for bringing this about.

Is the Leader of the Government in the Senate able to tell us whether our soldiers serving in Iraq or on an exchange program with foreign forces are still covered by this insurance plan? Will they be eligible for a lump sum payment should they be injured while performing their duties during war?

Hon. Sharon Carstairs (Leader of the Government): I am sure honourable senators will join with me in hoping that no injury will befall our soldiers.

As the honourable senator knows, these soldiers are not on active combat duty, even though they are serving with various elements of the British and American forces. Most of them are, as the honourable senator well knows, serving outside of Iraq in places like Doha.

The honourable senator's question is an important one. I do not think he should underestimate the importance that his questions have had in this chamber in making those changes.

MILITARY EXCHANGE PROGRAMS— LENGTH OF ASSIGNMENTS

Hon. Marcel Prud'homme: Honourable senators, I am glad that the Court of Appeal in Quebec, while not vindicating, have proven that those of us who fought for juvenile delinquents were not much out of order.

When one plans a student exchange program, we know when the program will start, what the students will do and when the program will end.

Do we know when the military personnel exchange program referred to yesterday by the Minister of National Defence, with the U.S., Great Britain and Australia, will come to an end?

Also, will the minister kindly inform the ambitious Liberal member for Nepean—Carleton, who seems to be thinking that he is already the Minister of National Defence, Mr. David Pratt, that I, for one, totally disagree with his statement that Jean Chrétien should step down as Prime Minister to be replaced by someone else?

I find it offensive, at this time, that someone in the party that I loved for so many years, that I have never really left, would have the nerve, at this time, to say these things, when we are in difficulty and need leadership. That has nothing to do with the question; I mention that just in passing.

I disagree with Mr. Pratt. I believe that Jean Chrétien is doing a fine job. He is there and he is doing a great job.

Senator Stratton: Question.

Senator Prud'homme: My question, therefore, is when will this program be finished?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, let me make it clear that these are not students. These are regularly serving officers.

Senator Prud'homme: May I correct the minister? My question is not related to students; I was referring to how a student program operates.

Senator Carstairs: The relationship that we have with NATO member countries has been in place almost since the beginning of NATO. Within these relationships, an officer may be given a certain period of time to serve with another force in order to enhance not only the work that is done in this country, but also to make it possible for these soldiers to work together so that they will have a better understanding of what other armed forces do in a certain set of circumstances.

As far as the duration of these assignments is concerned, my understanding is that it varies from assignment to assignment. I cannot provide the honourable senator with a specific answer to the question because, in some cases, assignments can be for a year or two; in others, they can be as short as a few months.

Senator Prud'homme: Would you deliver my message to Mr. Pratt, please?

JUSTICE

FIREARMS CONTROL PROGRAM— EFFECT OF PASSAGE OF BILL C-10A ON COSTS

Hon. Gerald J. Comeau: Honourable senators, on January 31, 2003, Mr. Raymond Hession was commissioned by the Department of Justice to assess the administration and the management of the Canadian Firearms Program. This led to the publication of recommendations to streamline the CFP to

decrease the ballooning costs. In his report, Mr. Hession stated that important savings could be made in the future if changes were implemented by key milestone dates.

One of the milestones that Mr. Hession identified as being directly linked to decreasing the cost of the Canadian Firearms Program is the passage of Bill C-10A by its April 1, 2003 deadline.

Honourable senators, today is April 1 and Bill C-10 is not before us and does not even appear to be on the government agenda in the House of Commons.

Would the Leader of the Government in the Senate please determine if the failure to pass Bill C-10A, as recommended by Mr. Hession, will have significant consequences for decreasing the expenditures of the Canadian Firearms Program, as was promised in his report?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the information of the honourable senator is quite correct. The passage of Bill C-10A will reduce the costs of the firearms registry because of the way in which the registry treats certain weapons. Hopefully, we will never see Bill C-10A. It is my understanding that the government will press for the passage of Bill C-10A with the amendments that have been provided by the Senate of Canada.

As to putting this item on the Order Paper, my understanding is that it will appear next week.

Senator Comeau: If I understand the minister correctly, Bill C-10A will eventually come before the House of Commons, probably next week. Therefore, as far as the minister is concerned, things are still on track in that Mr. Hession's recommendations will be addressed, give or take a week or two. We will be keeping a close eye on this matter.

Senator Carstairs: Honourable senators, my understanding is that the matter will move forward next week. I can assure the honourable senator that I am keeping a close eye on this item because we have Bill C-10B in this place. We cannot move forward with Bill C-10B until the House has moved forward with Bill C-10A and our suggestion to split the bill. I have been putting as much pressure as I can on members of the other place to proceed with Bill C-10A.

• (1450)

CANADA-UNITED STATES RELATIONS

EFFECT OF WAR WITH IRAQ ON TRADE

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. As the honourable senator knows, I have great concern about the state of our relationship with the Americans with regard to business. Peter Smith, President of the Aerospace Industries Association of Canada, as well as Tony Pollard, President of the Hotel Association of Canada, have told reporters of the loss of business as a result of the breakdown in the relationship. Is the minister aware of this? Is she cognizant of the huge impact this could have on our economy?

[Senator Prud'homme]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I certainly read the accounts in the newspapers by Mr. Pollard and Mr. Smith. However, I found it interesting that Mr. Pollard would not identify any groups that wanted to cancel hotels or convention facilities.

Obviously, decisions are being made in the United States, some of them due to the economic situation there. At this point, it is impossible for us to know what the direct implications will be of the decision of the Government of Canada, a sovereign nation, to remain outside the war.

Senator St. Germain: Honourable senators, I certainly would not question Mr. Pollard's integrity. I am sure that he could identify the groups. It is most likely that the groups do not want to be identified to avoid further erosion of the relationship and the possibility of losing further business.

COMMENTS BY MINISTER OF NATURAL RESOURCES

Hon. Gerry St. Germain: Honourable senators, my second question goes back to what Mr. Cellucci said in his speech in Toronto. What was most disturbing to Americans, according to various reports coming out of the United States, is that Minister Dhaliwal, a minister of our sovereign country, Canada, actually put into question the credibility of the President of the United States.

Does the Leader of the Government in the Senate not believe that it would be appropriate for Minister Dhaliwal, rather than trying to backtrack in speeches in Vancouver, to stand up and apologize to the President and the people of the United States of America?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me make it absolutely clear that I did not question the integrity of Mr. Pollard. I simply said that Mr. Pollard did not give certain information.

As to the Honourable Minister Dhaliwal, he has made clear what he meant by his comments, and I see no need for any further action on his part.

FOREIGN AFFAIRS

WAR WITH IRAQ—ACTIVITIES OF SYRIA

Hon. Consiglio Di Nino: Honourable senators, Syria, which like Iraq is governed by a hideous dictatorship, has been supplying military equipment to Iraq, shepherding fighters across its borders into Iraq, and apparently serving as a hiding place for Iraqi weapons. United States Secretary of Defence Donald Rumsfeld has warned Syria, in no uncertain terms, to stay out of the conflict or face the consequences. Syria is defending its actions by cloaking itself in the legality of the Security Council, calling the U.S. invasion unjustified. Is the government monitoring the situation in Syria? Can the government leader share any details with this chamber?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have no information that I can share with the honourable senator opposite. I believe I can say, on behalf of all

Canadians, that we would very much regret if the war that has been initiated against Iraq were to spread further than the Iraqi borders.

Senator Di Nino: Honourable senators, given the stance the Liberal government has taken on the war in Iraq, does the Government of Canada refute the claim that Syria's actions are justified based on the Security Council position on this war and Syria's actions, which are obviously inflaming the whole Middle East situation?

Senator Carstairs: Honourable senators, with the greatest respect, I do not think any proof has been given to the Security Council of the United Nations of the alleged actions of Syria. We do not know, therefore, whether they are in violation of the resolution of the Security Council.

Senator Di Nino: Would the minister undertake to get information on this matter from the Department of Foreign Affairs or the Prime Minister's Office and inform the chamber at an appropriate time?

Senator Carstairs: Honourable senators, if there is further information available with respect to Syria, it will be made very public. However, if the honourable senator wants me to specifically ask the government to provide that information to the chamber, I will be pleased to do so.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on March 19, 2003, by Senator Stratton, regarding the virulent pneumonia virus and a travel advisory on visiting Asia.

HEALTH

VIRULENT PNEUMONIA VIRUS— TRAVEL ADVISORY ON VISITING ASIA

(Response to question raised by Hon. Terry Stratton on March 19, 2003)

Health Canada maintains contact with airport authorities and Air Canada in its management of the SARS issue.

Air Canada, like all airlines falls under the International Civil Aviation Organization (ICAO) Regulations. At any time, Air Canada's can screen for ill passengers prior to embarkment and if the an airline representative has concerns regarding a passenger's health, they have the authority to interview/question the passenger and if need be, a medical clearance will be requested from the Medical Director at Air Canada. **This policy is in effect at all times; however, there is a heightened awareness at this time.**

Air Canada has recently decided to station a nurse at the Hong Kong departure lounge to watch for passengers who visibly display symptoms of illness.

The World Health Organization has International Health Regulations in place to ensure the maximum security against the international spread of diseases with a minimum interference with world traffic.

These regulations are referred to in the ICAO Regulations as well and apply not only to airlines but airport authorities and allow for health authorities to examine passengers arriving or departing.

Health Canada now has quarantine officers in place in Vancouver and Toronto airports to assess any passengers who are ill. Together these measures can stem the transmission of infectious diseases by travellers.

Article 30 of the World Health Organization International Health Regulations states:

1. The health authority for a port or an airport or for the area in which a frontier post is situated shall take all practicable measures:
 - (a) to prevent the departure of any infected person or suspect;
 - (b) to prevent the introduction on board a ship, an aircraft, a train, a road vehicle, other means of transport, or container, of possible agents of infection or vectors of a disease subject to the Regulations.
2. The health authority in an infected area may require a valid vaccination certificate from departing travellers.
3. The health authority referred to in paragraph 1 of this Article may, when it considers it necessary, medically examine any person before his departure on an international voyage. The time and place of this examination shall be arranged to take into account any other formalities, so as to facilitate his departure and to avoid delay.

ORDERS OF THE DAY

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT

BILL TO AMEND—THIRD READING

Hon. Fernand Robichaud (Deputy Leader of the Government): moved the third reading of Bill C-3, to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act.

Motion agreed to and bill read third time and passed.

[English]

SPECIFIC CLAIMS RESOLUTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Bacon, for the second reading of Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts.

The Hon. the Speaker: I wish to advise honourable senators that there is an agreement that the second speaker will be given 15 minutes in order that the opposition will have the 45 minutes provided for in the rules.

Hon. Gerry St. Germain: Honourable senators, I rise to speak at second reading of Bill C-6. First Nations have been fighting for recognition, acknowledgement and implementation of their treaty agreements and rights since the arrival of the European settlers. Successive governments have insisted on treating Aboriginals differently. Aboriginal people have been segregated and kept apart from the Canadian community. They have been forced to use the courts to regain their rights, and they have had to force the courts to pressure the government to do what was not done or completed in the first place — settle the land title and governing arrangements.

The first claims policy direction arose out of the Supreme Court of Canada *Calder* decision in 1973. The government's response to *Calder* was to negotiate claim settlements, which claims were divided into two types — comprehensive and specific.

Bill C-6 deals with specific claims, and specific claims for the most part deal with outstanding grievances that the First Nations have concerning Canada's fulfilment of the Indian treaties and other lawful obligations of the Crown, or the improper administration of lands under the Indian Act or formal agreements.

Typical claims involve the loss of reserve lands without consent or the government's failure to pay compensation for their lands. This would be in contrast to comprehensive claims, which are substantial land claim treaties such as Nisga'a and Delgamuukw.

Bill C-6 is designed to set up a permanent centre to evaluate specific claims brought against the federal government by First Nations. The Indian Claims Commission already exists, but it was put in place in 1991 as a temporary measure.

Honourable senators, between 1970 and March of 2002, Indian bands across the country had filed 1,146 claims and only 232 are settled. This is unacceptable and it is getting worse.

Honourable senators, while I believe the intent of Bill C-6 is sound — to expedite the process and to provide some finality — I do not believe the mechanism proposed will work. Unless amended, Bill C-6 will fail Canadians for the following basic reasons. First, it does not share the confidence of First Nations peoples. The \$7 million cap on the claims that can be heard by the tribunal will significantly limit the number of claims the new centre will be able to consider because most of the claims far exceed \$7 million. There are some in my home province of British Columbia — in fact, right in the Okanagan Valley where Senator Ross Fitzpatrick is from — that exceed that amount. It lacks transparency, concrete accountability measures and provisions to prevent patronage.

• (1500)

The appointed commission and tribunal members must be determined by the parties involved. The taxpayers will still have to pay expensive legal bills for the court cases that will be launched in place of mediated hearings.

There are a number of amendments that must be adopted if Bill C-6 is to be relevant. We must send a clear message to the committee that examines the bill, that all concerned groups must be heard and that sufficient time be made available to them. The committee must listen to the Aboriginal people because this legislation directly impacts their lives.

There are two other matters that really concern me at this time. They are the \$7 million cap and the absence of timelines. The government has built mechanisms into this bill that will delay and obstruct the process of considering claims. It has avoided the establishment of tangible timelines to ensure a speedy resolution of claims. This is contrary to the recommendations in the 1998 joint task force report. The government calculated that it would take 30 years to clear the backlog under the existing procedures. They also say that Bill C-6 would resolve 80 per cent of the claims under the new system, but they do not seem to be clear on how long the new system will take.

The other place proposed an amendment at committee that would put a one-year limit on this process. The government voted it down. Would the government please tell this place why?

Clause 30(4) of the bill states:

No passage of time in relation to the decision on whether to negotiate a claim may be considered as constituting a decision not to negotiate the claim.

In effect, the commission may not treat the lack of a decision from the government as a decision until the minister decides to announce his decision. This is confusing and could be detrimental in the process of expediting the decisions that are required. This is a matter of accountability and transparency.

The Assembly of First Nations wants Bill C-6 to adopt the principles that they have set out. Under Bill C-6, the federal government would unilaterally control the pace at which claims are considered. Bill C-6 would permit the minister to consider a claim at the early stages of the process indefinitely. There are no

time limits that must be obeyed. No independent body can ever say, "Enough is enough, the claim goes to the next stage." The claim might have to go through an elaborate series of distinct stages and steps before compensation is ever paid. Many of these steps could have been eliminated or combined with others. The delays could have been controlled by giving an independent body control over the pace or by setting a strict timeframe in the statute itself. The joint task force model bill was built for making major headway on the backlog. Bill C-6 is almost certain to ensure that the backlog grows.

The AFN also noted that under the 1998 joint task force report the minister did not have the discretion to consider a claim indefinitely. Once a claim was logged, the commission and tribunal, not the federal government, had the primary say over the pace of the proceedings. A First Nation was not required to attend more than one preparatory meeting or to prove to a third party that mediation or other "alternative dispute resolution" was exhausted. When a claim reached the tribunal, both validity and compensation could be dealt with together.

Honourable senators, clause 35(1)(d) requires the claimant to waive any compensation amount higher than the cap stipulated in clause 56, which is currently set at \$7 million. However, the existence of a cap provides an incentive for government officials to obstruct the settlement at the commission stage of negotiations. The Minister of Indian Affairs claims that the \$7 million cap has been set high enough to include most specific claims. However, Ms. Kathleen Lickers, commission counsel for the Indian Claims Commission, has said:

Of the 120 claims that the ICC has dealt with, only three were eventually settled for less than \$7 million.

An AFN analysis added that:

In the past three years (2002-2003) eight of the 14 claims paid out by the federal government were for amounts above \$7 million.

Honourable senators, it is not clear to me why it is necessary to have a cap at all. Why not send the claims for less than \$10 million to one arbitration tribunal and those above \$10 million to another, if that will speed up the number of cases processed?

Bill C-6 is unacceptable in its present form. It is inconceivable that this legislation will achieve the objectives of accountability, transparency and fairness in dealing with our Aboriginal peoples. I look forward to working with any and all senators in the committee on this very important piece of legislation.

Hon. Jack Austin: Honourable senators, will the Honourable Senator St. Germain accept a question?

Senator St. Germain: Certainly, honourable senators.

Senator Austin: I missed hearing whether the honourable senator was advocating a timeline for Aboriginal claimants. Does the honourable senator see mutuality here, that is, that each side must come to a definite timeline once the process begins?

Senator St. Germain: Honourable senators, the timeline is more in dealing with the specific client. As far as the timeline for natives, I do not know how we would do that. If something were to come to the fore, or be presented to the public showing that an injustice has taken place against the native group by virtue of the utilization of their land, does the honourable senator not think it would be a bit unfair if we were to set a timeline?

I hope I understood the honourable senator correctly. Is he referring to a timeline for the filing of these specific claims?

Senator Austin: I found the honourable senator's reference to a timeline a bit confusing, which is why I asked the question.

There is no timeline for filing. A provision of the bill makes it clear that no claimant will be jeopardized because of the issue of time. I assumed the honourable senator was addressing the question of a timeline for the process once the filing had been made. I agree with his answer, in so far as he said that the Aboriginal claimant should not be on a timeline in the prosecution of the claim before the commission. However, for the same reasons, I cannot understand why the government should be on a timeline in that case. I believe the main argument of the honourable senator is based on that timeline issue and on the \$7 million cap, and I am sure the Senate committee to which the bill is referred will examine those issues further.

Senator St. Germain: As far as a timeline is concerned, we are trying to get these things expedited. Chief Stewart Phillip from one of the Okanagan bands that has a claim pointed out to me that, for years during wartime, part of their reserve land was utilized for an agricultural purpose. They never received that land back and now have a specific claim.

When referring to a timeline in which to resolve these issues, I believe it is incumbent on the government to get these matters resolved as quickly as possible.

If I have understood correctly the natives to whom I have spoken on this issue, historically, they have felt that the government has dragged its feet and that, if there are no timelines set in the legislation, the government and the bureaucracy will continue to drag their feet. It does not matter who is in power; it has been a problem since day one.

Senator Austin: Honourable senators, it is my understanding, and I wonder if it is the understanding of Senator St. Germain, that the whole purpose of Bill C-6 is to establish an independent process for examining claims, independent of the Department of Indian Affairs, and that the commission that will examine the claim and spend its own money developing the facts cannot be put on a timeline because the facts need time to develop.

I do not wish to debate the matter with the honourable senator. I wonder if he would continue to keep an open mind on the question of a timeline.

• (1510)

Senator St. Germain: Honourable senators, I certainly shall. I agree that it could become restrictive and detrimental to the overall cost. What native people are concerned about, given that

these matters have been dragging on for virtually decade after decade, is that the procrastination will continue, given the way the proposed legislation is set up.

Native People are also concerned about the minister appointing the tribunal. They believe the commission should be at arm's length, that the chair should be independent. These issues will be discussed in committee, and I certainly will keep an open mind.

I look forward to working with Senator Austin and others on this.

On motion of Senator Stratton, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Cools*).

Hon. Jean Lapointe: Mister Speaker,
Honorables sénateurs,
En ce qui me concerne
Our national anthem
Je viens vous dire
That I am totally against
La proposition
Of the honourable senator Kinsella
Pour la simple raison
That it is very confusing
D'alterner une phrase en français
And immediately followed
Par une phrase
In English
Notre hymne national
As it is presently
Est adéquat et respecté,
As much by the French speaking
Que par les anglophones
Of our country
Cette proposition du sénateur Kinsella
If accepted
Apporterait
To our national anthem
Un effet auditif inintelligible
And would create
Une atmosphère indescriptible
Of confusion
C'est du moins
My opinion...vous voyez what I mean
Thank you beaucoup

On motion of Senator Lapointe, on behalf of Senator Cools, debate adjourned.

[English]

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator LeBreton*).

Hon. Marjory LeBreton: Honourable senators, 11 years ago, on March 10, 1992, the Leader of the Progressive Conservative Party, in his then position as President of the Privy Council and Minister Responsible for Constitutional Affairs, introduced a resolution agreed to by the House of Commons and by this chamber that stated the following:

That this House take note that the Métis people of Rupert's Land and the North Western Territory through democratic structures and procedures took effective steps to maintain order and protect the lives, rights and property of the people of the Red River;

That this House take note that in 1870, under the leadership of Louis Riel, the Métis of the Red River adopted a List of Rights;

That this House take note that, based on the List of Rights, Louis Riel negotiated the terms for the admission of Rupert's Land and the North Western Territory into the Dominion of Canada;

That this House take note that these terms for admission form part of the *Manitoba Act*;

That this House take note that, after negotiating Manitoba's entry into Confederation, Louis Riel was elected thrice to the House of Commons;

That this House take note that, in 1885, Louis Riel paid with his life for his leadership in a movement which fought for the maintenance of the rights and freedoms of the Métis people;

That this House take note that the Constitution Act, 1982, recognizes and affirms the existing Aboriginal and treaty rights of the Métis;

That this House take note that since the death of Louis Riel, the Métis people have honoured his memory and continued his purposes in their honourable striving for the implementation of those rights;

That this House recognize the unique and historic role of Louis Riel as a founder of Manitoba and his contribution in the development of Confederation; and

That this House support by its actions the true attainment, both in principle and practice, of the constitutional rights of the Métis people.

That was the resolution 11 years ago.

Honourable senators, by passing this resolution in 1992, the Canadian Parliament formally recognized Louis Riel's contribution to the development of the Canadian Confederation. The House also reaffirmed its support for "the true attainment, both in principle and practice, of the constitutional rights of the Métis people."

As the leader of what historians call the Red River Resistance of 1870, Louis Riel played an important role in negotiating Manitoba's entry into Confederation and in ensuring that religious and language guarantees were included in the Manitoba Act.

Riel was subsequently elected three times to the House of Commons.

Land grants for the Metis, in response to Metis concerns about the need for land, was also part of the Riel legacy.

Fifteen years later, in 1885, Riel became involved in a movement to defend the interests of the Metis people along the banks of the Saskatchewan River. Sadly, these events ended in tragedy and Riel was tried and hanged for treason.

The life and death of Louis Riel was one of those periods in our history that had been left unresolved and exposed to tensions between Aboriginals and non-Aboriginals, between francophones and anglophones, and between Western Canadians and Central Canadians. It was therefore fitting and appropriate that Parliament acted in 1992 with long overdue recognition of Louis Riel's role in helping to shape Canada. Parliament demonstrated that we had matured as a nation, that we saw in our common history a source of strength, not of weakness.

Honourable senators, I shall not attempt to review Louis Riel's entire life and career. That would take much longer than the time available here. Probably more has been written about Louis Riel than most other Canadian public figures.

The courage and ingenuity he showed as a young man in leading the Red River community through a troubled time in its history, and in resolving a very difficult situation, are indeed remarkable. Riel, returning to the Red River settlement after several years' absence, found a community that was deeply worried about its future as part of the new Dominion of Canada. The Metis people, who formed the majority in the Red River community, looked at him for leadership, as someone who was articulate, educated, bilingual and knowledgeable in the ways of the country, which was preparing to annex their territory.

Louis Riel worked closely with members of the community and with them succeeded in defining and articulating their concerns and objectives. Riel's success in achieving a broad consensus and uniting most of the Red River settlement behind him was significant. He failed to win unanimous support, but this was just a reflection of the deep divisions that existed in the community at the time.

In the end, Riel's accomplishments in what history refers to as the Red River Resistance were significant. He played an important role in ensuring that Manitoba entered Confederation with provincial status instead of as part of the Northwest Territories, and that religious and language guarantees were incorporated into the Manitoba Act.

• (1520)

Fifteen years later, after living in the United States and becoming a U.S. citizen, Louis Riel returned to Canada and was again involved in a movement to defend the interests of the Metis people along the banks of the Saskatchewan River. Sadly, these events ended in tragedy and controversy, but no one would dispute Riel's deep devotion to his people and his willingness to pay the ultimate price with his life.

As Mr. Clark said in 1992, in support of the resolution:

It is now time to recognize the very important and constructive role Louis Riel played in defending the interests of the Metis people and of contributing to the political development of the West and of Canada.

However, we must now build, Mr. Clark said, on the positive, not the negative dimensions of this experience. The long overdue recognition by this house of Louis Riel's important role in shaping Canada as we know it today is an indication that we have, in fact, matured as nation. It is a demonstration that we see our common history as a source of strength, not as a weakness.

Honourable senators, I had the honour of working with the Mulroney government when, for the first time in Canada's history, a Metis was appointed as a lieutenant-governor, the Queen's representative and, more important, for the province of Manitoba. However, our history is our history and we cannot alter it. We all can cite events in the past that we wish had not occurred, but that is reality. I strongly believe that history cannot and must not be rewritten.

I believe that the Parliament of Canada properly recognized Louis Riel in the 1992 resolution, and even though I sympathize with the views of our colleagues Senator St. Germain and Senator Chalifoux, I personally cannot support Bill S-9.

On motion of Senator Cools, debate adjourned.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Bryden*).

Hon. John G. Bryden: Honourable senators, since I came here in November 1994, a significant amount of time in this place has

been consumed by the senators opposite attempting to rehabilitate the political reputation of former Prime Minister Brian Mulroney and his failed Tory government.

Senator St. Germain: It does not need rehabilitating.

Senator Bryden: It has been spent attempting to have Canadians forget why they threw the rascals out and reduced the once grand party of Macdonald, Diefenbaker and Stanfield to an irrelevant rump — not even a rump, perhaps a dimple on the rump of Parliament. These attempts have been absolutely futile.

Since the point person — and I am sorry she has gone — in this failed endeavour has been Mulroney's friend and former assistant, Senator LeBreton, it is not surprising that with all the talk of legacies going around these days, this latest inquiry would try a different tack.

Senator LeBreton described the finding of the Senate committee on Prime Minister Chrétien's cancellation of the Pearson airport development agreement "a bad decision to cancel a good and honourable deal." She conveniently failed to mention that there was a 125-page minority report that reached a very different conclusion from that dictated by the Tory majority on that committee.

The minority report examined the actual documents tabled before the committee that documented the progress of the development deal. These documents revealed a pattern of the Mulroney government happily sending millions of dollars to friends and confidants — in some cases for no work at all — and blithely prepared simply to pass these outrageous costs on to the travelling Canadian public.

What Senator LeBreton characterized in her speech as "a reasonable rate of return to the developers" was revealed, upon analysis, to be exorbitant indeed. Accountants at the time found that a pre-tax rate of return of 11 to 13 per cent would have been reasonable. In fact, the agreement's pre-tax rate of return of 23.6 per cent was double that. As a consequence, the committee was told the government would have lost over \$250 million over the term of the lease. As one witness stated, "That's right, about one-quarter of a billion dollars."

Senator Stratton: Better than a billion on defence.

Senator Bryden: Even that exorbitant rate of return to the developers did not include any of the numerous side deals by which the consortium members were going to enrich themselves. To quote from the report:

For example, there was the one-page contract, signed on October 4, 1993, whereby T1T2 Limited Partnership —

— the development consortium —

— promised to pay \$3.5 million to Matthews Investments 4 Inc. — a company that does not appear anywhere else in the records, and about which we could find out very little, except that Mr. Don Matthews is the President/Chairman.

[Senator LeBreton]

Don Matthews, by the way, was part of the development consortium and also former President of the Conservative Party, Deputy Chairman of PC Canada Fund and a long-time friend of Prime Minister Mulroney.

Continuing the quote from the report:

This money was labelled a "consulting fee," but it could have been called anything, including a gift: there were no obligations placed on Matthews Investments 4 Inc. to do anything to earn this money. The contract was very clear that it could not be cancelled or terminated for any reason. It could, however, be fully assigned by Matthews Investments 4 Inc. so that Mr. Matthews could assign the \$3.5 million to anyone — himself, his son, or a particularly helpful friend. Yet this was a contract to be paid out of Pearson revenues, supposedly as part of the redevelopment project.

That was only one of the side deals we uncovered. In our report, we highlighted just a few of these agreements, which would have brought in over \$170 million to members of the consortium and their friends over and above the negotiated rate of return.

Just another example: Fred Doucet, a long-time, close personal friend and senior staff member of Brian Mulroney's, was to receive over \$2 million in lobbying fees contingent only on Paxport — the Matthew's company — signing the Pearson contracts.

This pattern of helping friends was arguably set early on by Prime Minister Brian Mulroney himself. The committee heard how, as a result of an approach made at a social function, he asked the then Clerk of the Privy Council, the government's most senior civil servant, to try to arrange things "so that everyone could get a piece of the action."

That was the deal cancelled by Prime Minister Chrétien, which under our examination showed hard evidence of the waste, corruption and cronyism that was rife in the Mulroney Tory government, particularly during its dying days. Trying to give everyone a piece of the action had Canada on the verge of bankruptcy.

A number of honourable senators referred to the costs of cancelling the Tory government's multi-billion dollar deal to buy Cadillac EH-101 helicopters. Senator Buchanan said the price was \$5.8 billion. Question: Where would they get the money? They would borrow it, of course, and add that amount to the record annual deficit and the burgeoning national debt. The savings of just one year's interest on \$5.8 billion far exceeds the cost of cancelling the deal.

• (1530)

Let me refer briefly to an insightful book called *The Show Must Not Go On*, which analyzes the spending by the Mulroney Tory government during its years in power. It states:

The Mulroney Conservatives in 8 years accomplished what all previous Prime Ministers and Finance Ministers combined could not accomplish in 117 years. They spent more than one trillion dollars!

In the chapter aptly entitled "Michael Wilson, the One Trillion Dollar Man," we find the following:

Seventeen prime ministers, from Macdonald to Turner, governing since Confederation, spent \$900 billion over 117 years. Then along came Mulroney, who, with the help of Wilson, Mazankowski, Campbell, Charest and friends, managed to spend more than one trillion dollars in 8 years.

Honourable senators, what did Canada get for so much extravagant spending? By the end of Prime Minister Mulroney's tenure in power, Canada was, in the words of the Canadian Chamber of Commerce, as quoted in the *Financial Post*, April 20, 1993, "in the midst of a national fiscal crisis, and on the precipice of a national economic crisis."

The Conservatives left behind a legacy of economic devastation. There were record levels of unemployment and, of course, the deficit was at frightening record levels. The Tories seemed to have developed a unique approach to managing waste — they managed successfully to waste huge sums of money, much of it borrowed money, driving the deficit and the debt to record highs, virtually "maxing" out Canada's credit line, and having the International Monetary Fund standing by to put Canada potentially into a nation's Chapter 11.

In 1983-84, as the Mulroney government was coming to power, Canada's public debt was \$167.8 billion. By 1993-94, nine years of Mulroney mismanagement had ballooned it to \$482.1 billion. Fully 66.3 per cent of our gross domestic product, two thirds of our GDP, was represented in our debt.

In 1984, Canada was first in the G7 for growth in real GNP, first for productivity growth and second in unemployment growth. Inflation was average for the G7 at that time. By 1991, after the Conservatives had been in power for some seven years, Canada was second-last in employment growth, with the second highest unemployment rate, third last in productivity growth, and third highest in inflation.

By 1993, long-suffering Canadians had had enough of the Mulroney government and they threw them out with a vengeance. The new Chrétien Liberal government then turned this sorry situation around. Not only did it eliminate the deficit in only four years, it recorded five consecutive surpluses. Since 1996-97, it has reduced the federal debt by \$47.6 billion. Since 1997, real GDP growth has averaged close to 4 per cent per annum, and has surpassed the United States in each of the last three years. Both the International Monetary Fund and the OECD have predicted that Canada will lead the G7 in growth this year and next.

Our Conservative colleagues who discussed the EI question quite properly focused on the need for the government to help create jobs. Let us compare the records, honourable senators. I remember the 1993 election campaign. The then Conservative Prime Minister Kim Campbell — you remember, she who received the poisoned political chalice from Brian Mulroney — was reported in the media as saying that no new jobs could be created until the year 2000. While denying later the media reports

as being inaccurate, Ms. Campbell defended that position as "telling it like it was" — honesty in politics. She honestly could not see a way to create any new jobs before the year 2000.

Honourable senators, the Liberal government knew that things could be managed better. From the time the Chrétien government took office in October 1993, until the end of the year 2000, two million new jobs were created.

Some Hon. Senators: Hear, hear!

Senator Bryden: In 2002 the Canadian labour market was among the strongest in the world, creating more jobs than any other G7 nation. Five hundred sixty thousand jobs were created in 2002 alone, the largest 12-month level gain on record. By contrast, employment in the United States decreased during the same period by 229,000.

In 1993, the Liberal government of Canada was asked by the Canadian electorate to fix a terrible economic legacy left by the Conservatives. Prime Minister Chrétien, ably assisted by then-Finance Minister Paul Martin and other members of the cabinet, had to make very tough decisions. They were not easy and they were not popular, both reasons, no doubt, why the Conservatives had avoided them for so many years, exacerbating the problems for Canadians. However, Prime Minister Chrétien and his Liberal government did what had to be done, and their policies worked. Canadians recognized this, and despite having suffered through some lean times, have returned the government to power now with three consecutive majorities. The Canadian economy is in good shape. Millions of jobs have been created, and the strengthened social policies set out in the recent budget are now possible: policies that will help our Aboriginal communities, Canadian children living in poverty, the homeless, and working families with children who want to break through the welfare wall.

Honourable senators, since this inquiry is about legacies, let us compare the legacy of the Mulroney Tory government with the legacy that will be left by the Chrétien Liberal government. The Mulroney Tory government left a wake of disasters that included a deficit of \$42 billion, public debt that they managed to bloom from \$167.8 billion to \$482 billion — fully 66.3 per cent of the GDP, and contracts that would have enriched their friends and political cronies while further increasing the debt load on Canadians.

Certainly Prime Minister Chrétien had to cancel some of these deals, and, yes, it cost Canadians money, but this is simply further shame to lay at the feet of the Mulroney Tory government. We had over 11 per cent unemployment and a Tory Prime Minister who, when reported as saying no jobs could be created, patted herself on the back for her courage and her honesty. We had a country that, in 1991, after some seven years of Mulroney Tory rule, was second to last in the G7 in employment growth, had the second highest unemployment rate, was third last in productivity growth and third highest in inflation.

Now let us look at the Chrétien legacy.

[Senator Bryden]

There is no deficit. In fact, the government will record five consecutive surpluses. The debt-to-GDP ratio has come down 20 points, from 66.3 per cent to a projected 40 per cent in 2004-05. In 1995, Canada's total government debt was second only to Italy's among the G7. Today, only the United States and the United Kingdom rank better than we do. Interest on the public debt has been reduced from 37 cents of each revenue dollar in 1995-96 to 23 cents in 2001-02. Annual interest savings amount to \$3 billion each and every year. There is an unemployment rate of 7.4 per cent, with a near-record-high participation rate of 67.3 per cent, in January, for example. Millions of jobs have been created for Canadians, with solid economic growth, even in the face of the terrible global economic slowdown we have witnessed recently. Our economy expanded by 3 per cent in 2002, significantly faster than the 2.4 per cent in the United States.

Senator St. Germain: Wait until the Americans are finished with you.

Senator Bryden: Both the IMF and the World Bank predict that Canada will lead the G7 in growth this year and next.

This extraordinary fiscal and economic turnabout is not the whole of the Chrétien government legacy. Let me list several items made possible by the prudent and visionary management of the Chrétien Liberal government. Federal support to health care will increase by \$17.3 billion over the next three years, and \$34.8 billion over the next five years. There is a \$100-billion tax cut package that gives Canadians lower tax rates than Americans.

• (1540)

Some Hon. Senators: Hear, hear!

Senator Bryden: There is a millennium scholarship fund that allows post-secondary education for thousands of Canadians, and now added to that are graduate scholarship funds that will support 2,000 master's and 2,000 doctoral students each year. There is a \$12 million endowment for the National Aboriginal Achievement Foundation to expand its scholarship for Aboriginal students.

The Hon. the Speaker pro tempore: I regret to inform the honourable senator that his time for speaking has expired.

Senator Bryden: May I continue? I have only a couple of pages.

Hon. Gerry St. Germain: On a point of order, how much longer does the honourable senator need? Will there still be time for questions?

Senator Bryden: I do not have much left, honest.

Senator Comeau: As Senator Robichaud would say, carry on for another minute.

The Hon. the Speaker pro tempore: Order. Honourable senators, is leave granted for Senator Bryden to proceed?

Hon. Senators: Agreed.

Senator Bryden: In addition to what I indicated, the Canada Research Chairs program, which was introduced in 1999 by the Chrétien government, has helped many scientists. A March 17, 2003, article in *The Globe & Mail* had this to say about the Canada Research Chairs program:

...it has helped about 840 scientists and social scientists, including about 160 recruited from other countries. Eighty-five of those recruits were Canadians working abroad.

According to that article, more than 150 researchers, scientists and others have come home to Canada in the past three years. The Chrétien Liberal government's policies are working to drive a new brain gain.

This government also introduced policies to encourage innovation, research and development, and not just in one part of Canada, but policies that take advantage of the new technologies to make opportunities available to Canadians across the country, in rural communities as well as in urban communities.

There is the Canada Child Tax Benefit, which provides critical assistance to children in low-income families. The most recent budget announced that this assistance would increase to \$10 billion by 2007.

There is \$900 million over five years to help the provinces and territories increase quality childcare and early learning opportunities.

Honourable senators, I could continue listing the impressive legacy Prime Minister Chrétien will leave to Canadians. However, leaders of parties also leave legacies to those parties. Let us compare the legacies of each leader to his respective party.

Prime Minister Mulroney left the Conservative party decimated, broke and reduced to a fading shadow of its former self. He left with his party and himself receiving single-digit approval ratings that have barely, if at all, improved over the last 10 years, a party clinging by its fingernails to a few seats on the East Coast, a party that is a non-factor in the rest of the great nation and will soon be pried loose even from the Atlantic.

Prime Minister Chrétien will leave his party, after three majority governments, strong and well-funded. The Liberal Party is currently above 50 per cent in the polls, 40 per cent above its closest rival, which by the way, is not the poor Tory party. The Liberal Party today is strong from sea to sea to sea, with a succession plan in place that may, if anything, even strengthen and increase its national appeal, particularly when compared to any of the alternatives.

I would suggest, honourable senators, opposite —

Senator St. Germain: We do not need the honourable senator's suggestions.

Senator Maheu: Listen, listen.

An Hon. Senator: Keep an open mind.

Senator Bryden: I would suggest that, rather than pick and choose minor negatives that are so easy to find, and, perhaps, not surprising, when so much had to be reversed from the Mulroney years to save the nation from bankruptcy and then go forward with a vision for the 21st century, honourable senators should have asked these questions: What happened to the Conservative party? Under whose watch did it cease to be a political force in Canada? Honourable senators on the other side were all there on that watch. Honourable senators should have asked: How can this continuing decline be reversed? Those question would make for an extremely interesting and valuable inquiry.

Our system works best when there is a strong majority party in the House of Commons and a strong opposition party to keep the governing party accountable and to be a possible alternative to the majority.

For almost 130 years, that has worked exceptionally well for Canada and for Canadians. What has happened? Why, as Senator LeBreton said, is there an ineffective opposition party? Why is there not a strong opposition party? Why is the opposition in the House of Commons splintered into regionally based solitudes? In the inquiry that I am suggesting, we should ask Brian Mulroney and his cohorts why they combined his coalition of separatists and right-wingers from the West with separatists from Quebec around a withering core to form his "government of opportunity," which disappointed everybody and blew apart into splinters of Reform, Alliance, the Bloc and the remainder.

Honourable senators, I began by characterizing Senator LeBreton's supposed inquiry as a type of an apology for the performance of the Tory government under Brian Mulroney. Ten senators opposite have already spoken in this apologia. Thankfully, there are more to draw from — not many left, but there are some more — because there is a great deal to apologize for.

Senator St. Germain: I have a question.

Senator Bryden: Is the honourable senator asking me whether I will take a question?

Senator St. Germain: Yes, sir.

Senator Bryden: No, I will not.

Senator St. Germain: Character assassin, horrific little man. Would not even take a question. Shameful!

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I find it odd that, after having granted Senator Bryden permission to continue the debate on interpretation in hopes of being able to question him afterwards, he abuses our kindness and continues his attacks. Yet, he refuses to let us ask him questions. The next time he begs leave to continue a debate, I can assure you that I will not grant him this leave.

Senator St. Germain: Exactly.

[English]

On motion of Senator Eyton, debate adjourned.

• (1550)

THE SENATE

ALLOTMENT OF TIME FOR TRIBUTES— MOTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Gill:

That Rule 22 of the *Rules of the Senate* be amended by adding after subsection (9) the following:

"Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading "Tributes" in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators."—(Honourable Senator Hubley).

Hon. Elizabeth Hubley: Honourable senators, I should like to speak briefly to this motion, and I do so from the vantage point of having served as Deputy Speaker of the Prince Edward Island Legislative Assembly — a relatively small and intimate house where Parliamentary rules and decorum are respected but where the matters of debate and discussion at times can be very local and community-flavoured. Nowhere is this local flavour and personality more evident than in the statements by members that begin the daily routine of business. I can recall a former colleague of mine — a very effective legislator — rising in the house each spring to publicly announce the opening of Gillis' Drive-in Restaurant and to pay tribute to its fine cheeseburgers and onion rings. Gillis' Drive-in is a very popular eating establishment in that gentleman's hometown.

Many other community institutions, events and people are similarly celebrated in these statements. Members' statements remain a significant part of the daily routine of our provincial legislature and are vigorously guarded and protected, especially by backbench members who view them as a unique opportunity to reflect their local constituencies. Admittedly, there were occasions when the content of these statements crossed the line of public relevancy, but most of the time, they contributed to the overall proceedings and the Chair always enforced the designated time limits.

Recognition of guests is a separate part of the daily routine in the Prince Edward Island Legislature, and the Speaker also allowed statements of sympathy and eulogy for prominent Islanders, including, of course, members of the house itself.

All of this contributes immeasurably, in my view, to the character and personality of our provincial assembly. Of course, the provincial legislatures are very much creatures of the federal Parliament, and our federal parliamentary practices and traditions are drawn in turn from those of the mother Parliament at Westminster.

At the very centre of all this is the right of a member to speak. In this chamber, Senators' Statements is an extremely important part of our routine, whether to note the tragic death of a head of state, as Senator Graham did several weeks ago, or to rally support around a beleaguered community, as Senator Cochrane did so eloquently on behalf of the people of Badger, Newfoundland.

Honourable senators, these are matters of public interest and concern, without question, and, as such, deserve to be spoken about in this chamber. However, I also believe that we must be careful not to abuse or trivialize our right to speak by taking an inordinate amount of time to address a particular matter. When this happens, our judgment and credibility run the risk of being called into question.

The intent of Senator Lapointe's motion, as I understand it, is to manage the time for senators to pay tributes to their colleagues. The proposed rule changes would accomplish this. It is certainly our prerogative to amend or otherwise change the rules, but in this instance, I do not think it is prudent to do so. It has been my own experience that the broadest possible latitude should be given to discussion and debate in any legislative forum and that to be prescriptive is usually not the best approach. Instead, we should defer to the judgment and discretion of the Chair, in whom all members have confidence.

There will be occasions when the proverbial menu at Gillis' Drive-in becomes a topic for discussion or when tributes and other statements take far too long. However, I would prefer to let the proceedings retain their elasticity and flexibility.

[Translation]

Hon. Jean Lapointe: Honourable senators, I am not familiar with the rules, but since no one has adjourned the debate, could the Chair advise me on what procedure should be followed?

[English]

The Hon. the Speaker: Honourable senators, Senator Lapointe has the right of reply, but should he speak to the motion, it will have the effect of closing the debate. We would then deal with the question. If other senators wish to speak to the motion, they should inform the house and either speak to the motion or adjourn the debate.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the motion before us was already considered by the Standing Committee on Rules, Procedure and the Rights of Parliament during the previous session. It would be appropriate for the Senate to ask this committee to consider the Honourable Senator Lapointe's motion. The committee could report back to the Senate and indicate if certain opinions have changed, if this or another way would best achieve Senator Lapointe's objective of allowing senators to express their opinions within the limited amount of time this House has at its disposal.

Senator Lapointe: Honourable senators, I want to be concise about my suggestion to the committee, which made a recommendation. Twelve or thirteen people spoke on this. To date, only one comment was negative. I do not see the point of referring the motion back to the committee over and over again.

My speech is a very brief one. I want to thank all those who have supported me. I have nothing more to add. I have prepared responses to all the questions raised in connection with the time allotted to tributes. No senator has been slighted, because the changes do not reduce the rights of senators in any way. Four or five minutes is enough time for a senator to pay tribute. If necessary, the Speaker can always seek leave for additional time. A senator may take advantage of Senators' Statements, Motions or Inquiries to pay tribute to someone.

My purpose and my contribution are very simple. I have nothing at all against tributes to departed or departing senators or persons of note. There is a time for that, and a time limit. I have seen an hour and twenty minutes of tributes for a senator who did not want them. That was what made me see the light. If people want to pay tribute to others, let them do it by letter.

[English]

An Hon. Senator: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Lapointe, seconded by the Honourable Senator Gill:

That Rule 22 of the *Rules of the Senate* be amended by adding, after subsection (9), the following:

Senator Prud'homme: Dispense.

An Hon. Senator: Honourable senators, I think we should hear the motion.

The Hon. the Speaker: I will continue with the motion:

"Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

• (1600)

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading "Tributes" in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators.

All those in favour of the motion will please say "Yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "Nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the yeas have it.

An Hon. Senator: On division.

Motion agreed to, on division.

[Translation]

TRANSPORT

STATE OF AIR TRAVEL IN CANADA— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cochrane calling the attention of the Senate to the state of air travel in Canada.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, following the events of recent days caused by the war in Iraq and severe acute respiratory syndrome, the terrible disease that has led people to put off their travel plans, I wish to reconsider my comments about Air Canada. I would like to move adjournment and go back to the beginning of the Orders of the Day.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the honourable senator has already spoken on the issue. He is asking for adjournment to conclude his remarks at a later time. This has the effect of making us start over again, without the need for a motion.

[English]

The Hon. the Speaker: Senator Robichaud's point is that if the honourable senator is starting his speech and wishes adjourn now for the balance of his time, then that will have the effect that he is looking for, pursuant to our rules.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[The Hon. the Speaker]

POSSIBLE CLOSURE OF FISHERY FOR NORTHERN AND GULF COD STOCK

INQUIRY—DEBATE ADJOURNED

Hon. Joan Cook rose pursuant to notice of March 18, 2003:

That she will call the attention of the Senate to a Position Statement presented to the Minister of Fisheries and Oceans concerning the possible closure of the fishery for Northern and Gulf Cod in NAFO Areas 2J3KL and 3Pn4RS.

She said: Honourable senators, I rise today to speak of yet another threat to the cod fishery in the province of Newfoundland and Labrador. The collapse of the cod fishery in the early 1990's represented one of the most challenging points in the history of my province. It challenged our prosperity, our culture and the future of our communities. Newfoundlanders and Labradoreans faced that challenge with a commitment to ensure that such a crisis would never be repeated. In the face of that crisis, families and communities made hard choices.

Honourable senators, it is now some ten years later. On November 20, 2002, the Minister of Fisheries, the Honourable Robert Thibault, indicated that areas of the Newfoundland and Labrador fishery might be closed. The NAFO areas under consideration are gulf area 3Pn4Rs, and northern cod, which is area 2J3KL. These closures would once again create economic uncertainty, casting a shadow over the future of the Newfoundland and Labrador fishery.

In response to this announcement, the Newfoundland and Labrador House of Assembly unanimously called for the establishment of an all-party committee involving the leaders of all parties in the House as well as all members of Parliament, including senators. The first meeting was held in early December 2002, here in Ottawa.

The committee was directed to prepare a common position on the possible fisheries closures, identifying needed measures to aid the recovery of the cod stocks, and to assist those who would be significantly impacted by the closures.

As part of its work, the all-party committee has sought the views of experts in fisheries science, management, and development, and has consulted with key industry stakeholders on the most appropriate path ahead.

On Monday, March 17, the committee presented its report, entitled "2J3KL, 3Pn4RS Position 2003," to the Minister of Fisheries and officials of DFO, and to the chairs and members of the House of Commons and Senate committees on Fisheries and Oceans.

This comprehensive report sets out a direction based on certainty, stability and sustainability. The four objectives are: to rebuild and conserve these stocks as valuable renewable resources for the people of Newfoundland and Labrador; to achieve an effective and sustainable approach for the management and development of these cod stocks; to maximize the benefits

available from the province's renewable marine fish resources; and to further diversify and develop the Newfoundland and Labrador economy, including the fishing and aquaculture industries.

The report sets out an action plan of nineteen recommendations that will ensure cod stock rebuilding and management. This report sets out a vision for opportunities; opportunities to assist the private sector to further develop and diversify the Newfoundland and Labrador economy, including the province's fishing and aquaculture industries. Partnerships between governments, industry, and regional development organizations, through cost-sharing agreements are considered to be the best approach to economic development.

The Committee believes that simply closing the fishery is not the answer. There has been considerable debate regarding scientific uncertainty. Many questions have been raised concerning the assessment process and models used in the determination of the 3Pn4RS stock status. There is widespread agreement that it is at the ecosystem level that future science must focus. To concentrate on the science of cod in isolation of other components of the ecosystem will do little to aid the stock rebuilding process, or to support a sustainable and viable fishing industry.

Honourable senators, closure of this fishery will mean that 4,400 fish harvesters and plant workers will be directly affected. Four hundred plant workers will lose employment, 1,500 workers will suffer reduced incomes, with many losing access to seasonal EI benefits, and approximately 2,500 harvesters in the small boat sector, which are vessels under 33 feet, would suffer income loss.

The closure would cost the provincial economy roughly \$35 million in exports and \$40 million in gross domestic product annually. Losses in personal income would be around \$48 million per year. The impact will be the greatest on those individuals who are already experiencing the lowest income.

These impacts will have a particularly significant effect on female harvesters. Because of their role in child and elder care, women are much less mobile than men. This limited mobility greatly impedes women's access to retraining and other employment opportunities.

• (1610)

In conclusion, honourable senators, the possible closure of the northern and gulf cod fisheries has, once again, challenged our fishing industry and the communities that depend on these stocks for their survival.

Charting a course for these critical stocks must be done in partnership with the Government of Newfoundland and Labrador, the industry and the scientific community. Clearly, it must be done in consultation with the people and communities that depend on those resources for their livelihood. There must be a long-term vision that provides for stability, certainty and sustainability.

The appropriate approach, the all-party committee believes, is for the Government of Canada to prepare and implement a

holistic plan of action to address the health of the province's cod resources and the fishing industry that depends upon these resources.

I am confident that I speak for all members of the all-party committee when I say that we look forward to working with the federal government and the Newfoundland and Labrador fishing industry stakeholders to address the challenges that lie ahead.

Honourable senators, copies of this comprehensive report are available by contacting my office. The report can also be accessed on the Government of Newfoundland and Labrador Web site as well.

Honourable senators, I thank you for your understanding and ask for your support in this important initiative.

Hon. Bill Rompkey: Honourable senators, I wish to congratulate Senator Cook for bringing this forward and for her excellent speech.

On motion of Senator Rompkey, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL AID—DEBATE ADJOURNED

Hon. Catherine S. Callbeck, pursuant to notice of March 19, 2003, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the status of Legal Aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal aid for both criminal and civil matters.

She said: Honourable senators, with leave of the Senate and pursuant to rule 30, I should like to modify my motion by adding after the words "civil matters" the following: "and that the committee report no later than December 31, 2003."

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Callbeck: Honourable senators, I am pleased to rise today to speak on the subject of access to legal aid in Canada. In 2001, after having been approached by several people in my province who could not access our justice system, I initiated an inquiry on this subject. My inquiry received a great deal of support, and a number of senators spoke on it; however, it ended with prorogation.

Given the magnitude of the problem at hand, I feel that the issue warrants an in-depth study, which is why I am moving that the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study this issue.

However, honourable senators, before I go into greater detail about the problems and consequences of the current legal aid system in Canada, I should like to provide a brief history of legal aid in this country.

The concept of legal aid was developed in the 1970s as a means of providing legal assistance to accused people who had low income. Beginning with criminal legal aid in 1973, the federal government, through the Department of Justice, entered into cost-sharing agreements with provinces. For civil law matters, funding schemes were developed later in the 1970s and were part of the Canada Assistance Plan, CAP, with the federal government providing 50-cent dollars to the provinces. For both criminal and civil matters, the provinces retained control over how legal aid would be administered and provided.

In 1990, the federal government capped its contribution to criminal legal aid at approximately \$86 million. However, in the past two years, new money has been given to criminal legal aid. Just last month, in his budget, the Minister of Finance included an increase of \$89 million for criminal legal aid over the next two years.

The Department of Justice is mandated with administering the criminal legal aid program and, as such, there is a certain measure of accountability and transparency. However, the situation for civil legal aid is much different.

Legal aid for civil law matters moved out of the Canada Assistance Plan in 1994-95 into the Canada Health and Social Transfer. This meant that the 50-cent dollars previously provided by legal aid services were discontinued. As part of the CHST, civil legal aid suddenly found itself competing for dollars with health care, education and other prominent issues.

The unfortunate result is an under-funded and ineffectual legal aid regime that does not respond to the needs of the people it should serve. As the Minister of Justice recently stated, "There are mounting pressures on the legal aid system which, if left unchecked, could compromise the very integrity of Canada's justice system."

I believe the integrity of our justice system has been compromised. That is why I was disappointed, but not surprised, when I saw the report of the United Nations Committee on the Elimination of Discrimination Against Women, which came out the first week of March. The report on Canada was the most critical that our country has ever received. The United Nations focused on the failure of our civil legal aid system and the impact of that failure on Canada's women and children who are living in poverty.

The United Nations committee called upon the Canadian government to "ensure that enough legal aid is available to women for cases involving civil and family law and poverty law issues." While this report focuses specifically on women and children, I can tell you that the problem goes beyond this demographic. The problem affects all of Canada's low-income population, which often includes people with disabilities, recent immigrants and Aboriginal peoples.

Civil legal aid encompasses both poverty law and family law. Poverty law includes cases of people who have lost employment, who need to obtain disability or income security benefits such as CPP, or who have problems with debt bankruptcy or landlords. In most provinces, these problems are given the lowest priority.

For example, massive cuts to the British Columbia civil legal aid program have resulted in the closure of many family law clinics and the elimination of coverage for poverty law. Earlier this year, the Manitoba legal aid board also eliminated all poverty law coverage, most family law coverage and some special criminal law coverage.

The civil legal aid system in Canada is very fragmented, as each province and territory sets its own standards for legal aid, establishes what is covered and sets eligibility levels for those who apply for legal aid coverage. Across Canada, eligibility levels are usually well below the poverty line, and the areas for law for which people can obtain legal aid coverage is becoming increasingly narrow. Legal aid coverage across Canada is very inconsistent because there are no national standards. For example, a woman in one province might be able to receive support to help with child custody and support matters, whereas a woman living in a neighbouring province might not be entitled to the same support. The fragmented coverage also means that coverage is only available for specific legal problems and procedures. As a result, lawyers cannot always provide full service to a legal aid client, as the funding is only available to cover certain aspects of that problem.

• (1620)

I believe this breakdown in our civil legal aid system is a tragedy that threatens people's rights and undermines the rule of law in this country. Some Canadians have lost confidence in the justice system, and this trend will continue unless we start looking at ways to repair the damage.

There are a number of reasons that access to legal aid needs to be studied — most importantly, to ensure that the rights of Canadians are not being violated. As Senator Hubley pointed out when speaking on this issue, the equality rights section of our Charter of Rights and Freedoms states that everyone is equal before and under the law and that everyone has the right to equal protection and equal benefit of the law without discrimination. Moreover, section 7 and section 11(d) seemingly give everyone the right to be presumed innocent and the right not to be deprived of life, liberty and security, except as a result of a fair trial. In addition, the International Covenant on Civil and Political Rights states unequivocally that someone accused of a criminal act has the right to legal assistance without payment. We need to ensure the rights that we have fought so hard to establish for Canadians are not being denied.

A study should also be done, as there is no national forum in which policy discussions about civil legal aid can take place. Only the courts are setting standards. To date, they have only provided these standards in the area of criminal law. Our courts have not yet established the constitutional right to civil legal aid, although litigation is starting up across the country and such pronouncements may soon be before us.

It should also be recognized that the failure and fragmentation of the legal aid system has serious social and administrative costs in other areas. For example, a parent who cannot get child support due to a lack of coverage in the family legal aid area often resorts to social services funding to make up the shortfall. Judges and court staff are spending an increasing amount of time working with those who are not able to get representation through legal aid to help them prepare and complete their trials. They have less time to do their regular work, and the efficiency of the justice system is suffering.

Another problem, which I have not yet mentioned, is an important area that was raised by Senator Chalifoux when she spoke on this issue — the challenges that our Aboriginal people face when seeking legal aid. In many remote areas, there are no permanent legal aid lawyers, and many of those who require legal aid face significant language barriers.

If those who should be able to benefit from legislation cannot because of a lack of access to a lawyer, then our legislative efforts as parliamentarians have been essentially wasted.

Honourable senators, as Senator Cook noted when she spoke on this issue, the issues before the court are very different than they were 30 years ago when legal aid services first became available. Legal aid policies and programs must be adjusted to meet today's legal needs. Canadian lawyers have been arguing this for some time. During her tenure as Chair of the Standing Senate Committee on Legal and Constitutional Affairs, Senator Milne wrote to lawyers across the country, asking them to provide her with their thoughts on issues they felt were of concern. As she noted in this chamber, she did not provide any guidance as to what issues should be discussed, but an overwhelming 75 per cent of respondents pointed to a lack of resources in the legal aid system as being problematic.

Indeed, frustration over the status of legal aid in Canada has prompted lawyers to take action. In August of last year, the Canadian Bar Association, which represents approximately 37,000 lawyers, announced that it will be launching a series of lawsuits across the country against the federal and provincial governments in an effort to obtain legal help for those who are being denied counsel. As Daphne Dumont, the Past President of the Canadian Bar Association, was quoted in the *National Post*:

The challenge has begun, the litigation strategy is because we have failed to get through to government funders.

As honourable senators can see, and as the international community now sees from the UN report I mentioned earlier, doing nothing is no longer an option. I believe it is imperative for a national body to enter this debate and initiate the policy analysis that is so badly needed. I firmly believe that a Senate committee would be well suited to undertake such a task.

As senators, we in this chamber are charged with protecting the rights and interests of all Canadians. Over the years, we have helped to focus greater attention on those people in our society whose rights and interests have been overlooked. The rights and

interests of low-income Canadians are being overlooked with regard to access to justice. In many cases, these people are impoverished and may not speak out, as they are embarrassed about their situation. These people deserve a public forum.

The Senate has the opportunity to become the first national forum where these issues would be publicly discussed. If the Senate does not enter this vacuum and take leadership in this area, the only guidance our policymakers can anticipate will come from the courts, which will be responding on an ad hoc basis to scattered applications that come before them. Allowing the courts to set standards for legal aid coverage province by province on a case-by-case basis is a risky game for governments to play. It will not help to solve the inequities in the legal aid system.

As honourable senators can see, there are a number of areas that the committee could look at in undertaking a study on this issue. It could examine the policy basis for legal aid in this country, looking at both our domestic and international rights obligations. It could examine the costs of providing legal aid, as well as the impact of insufficient funding. It could examine discrepancies in coverage among different provinces, and perhaps most importantly, it could examine the role of the federal government in legal aid policy development and funding. As both Senator Oliver and Day noted in speaking on this issue, there are a number of roles that the federal government could look at, including making wider use of mediation and arbitration.

Honourable senators, I believe that the Standing Senate Committee on Legal and Constitutional Affairs can do this. The committee can obtain expert input, use the resources of our fellow senators, define the debate and recommend policy. It would be an historic contribution that would help to ensure that the rights of Canadians are upheld and the rule of law is preserved.

On motion of Senator Stratton, for Senator Andreychuk, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP— DEBATE ADJOURNED

Hon. Shirley Maheu, pursuant to notice of March 27, 2003, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I was anticipating that Senator Maheu would provide an explanation so that I could ask a question for clarification.

Senator Maheu: Yes, I meant to speak to the issue. It had been confirmed by both leaderships in the Senate that the Standing Senate Committee on Human Rights undertake this important study.

• (1630)

Following this understanding, I received a formal request from the Minister of Indian Affairs and Northern Development to undertake a short-term study on the division of unreserved matrimonial real property. Following that request, I consulted with all members of the committee. All but one, who wanted to consult her leadership, agreed that there were many issues touching human rights and that they would like to undertake this study.

The minister clearly indicated that this is a short-term study and is asking the committee to report on or about June 27. Because both the Aboriginal and Legal Affairs Committees already have a heavy workload, I understand that it would be difficult for those committees to undertake this particular study.

This study does involve a number of human rights issues, particularly for Aboriginal women. I feel, as do the committee members, that the Standing Senate Committee on Human Rights is the proper committee to address these types of human rights issues while studying the division of unreserved matrimonial real property. The committee is comprised of members with the expertise to take on the study. It also has the appropriate support staff who have already used their expertise for a study of this nature. I am confident that the committee could be very effective. Senator Chalifoux would be working with the Human Rights Committee throughout this study.

Senator Kinsella: I wonder if Senator Maheu would help me in my understanding of the motion.

The notice of motion was presented on March 27. It is under the letterhead of the Standing Senate Committee on Human Rights. Unlike the previous motion that we have just commenced to debate — a motion for a committee to do a study proposed by an individual senator — this motion is from the Standing Senate Committee on Human Rights. Am I correct in that understanding?

Senator Maheu: Partially correct. The motion was typed on the letterhead of the Standing Senate Committee on Human Rights, but I believe the original discussion and request for the study was undertaken by the leadership on both sides of the Senate.

Senator Kinsella: I was not involved in those discussions, but perhaps my colleague was. Notwithstanding that, is it correct that the honourable senator is presenting this proposal in her capacity as Chair of the Standing Senate Committee on Human Rights?

Senator Maheu: Yes, following the request of leadership. I understand that my honourable friend was at one of the meetings, but he can correct me if I am wrong. I was told that he was present.

When the minister was told that the Human Rights Committee could conduct the study, he forwarded another request that we, indeed, handle it.

Senator Kinsella: Our memory, as we grow older, is not as great as it was before. I do not have any recollection of this. Nevertheless, I am more concerned that if the committee said this is a study it wishes to undertake and the chair of the committee presents the motion, it is very important for the chamber to know that this motion comes from one of our standing committees.

At what meeting of the Human Rights Committee did this discussion take place? Is there a record of that discussion? Was a motion put forward and adopted by the Human Rights Committee to present this motion to the Senate?

Senator Maheu: The Standing Senate Committee on Human Rights meets every second week. When we have weeks off, Senate committees do not meet. Consequently, it would have taken a long time to reach committee members and have a motion passed. Contact with committee members was made individually, except for one member who has never been able to attend and advises me that he is not free to be a member of the committee.

Senator Kinsella: Could the senator advise the house whether these bilateral consultations between members of the Human Rights Committee took place before or after March 21?

Senator Maheu: I am sorry, honourable senators; I do not have the exact date. I could check it out. I am sure our leadership would have the date.

Senator Kinsella: The honourable senator has made reference to the Minister of Indian Affairs and Northern Development. I believe that the minister wrote to the Chair of our Standing Senate Committee on Human Rights on March 21. It is a three-page letter, which I would be happy to table, wherein the minister asks the Standing Senate Committee on Human Rights to do the study.

I have a couple of difficulties with this. First, if we examine the *Rules of the Senate*, and the mandate of our various committees, rule 86(1)(k)(v) makes it very clear that issues relating to marriage and divorce fall within the purview of the Standing Senate Committee on Legal and Constitutional Affairs. Rule 86(1)(q) defines the mandate of the Standing Senate Committee on Aboriginal Peoples, wherein it states that the committee is to deal with issues or matters relating to the Aboriginal peoples of Canada. Rule 87(s) provides for the mandate of the Standing Senate Committee on Human Rights. I cannot understand how the Minister of Indian Affairs and Northern Development or his advisers would write a letter to the Chair of the Human Rights Committee, when clearly the issue should be dealt with either by the Standing Senate Committee on Legal and Constitutional Affairs or the Standing Senate Committee on Aboriginal Peoples.

Why did the minister write to my honourable friend and not to the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, or, which I believe would have been more appropriate, to the honourable senator who chairs the Standing Senate Committee on Aboriginal Peoples?

Senator Maheu: As I thought I had explained, I understand the leadership was approached on the issue because the Aboriginal Peoples Committee and the Legal and Constitutional Affairs Committee already have extremely heavy workloads.

• (1640)

I understand that the leadership on both sides discussed the issue and decided that, because there are so many human rights issues, the Standing Senate Committee on Human Rights should and could look at the issue. From there, I believe the Minister of Indian Affairs and Northern Development was advised. The leadership on the government side of the Senate proceeded to ask us to go ahead, and the minister forwarded a letter to that effect.

Senator Kinsella: I have a final question. I thank the honourable senator for her answers.

Many honourable senators are fully cognizant of the tremendous resources that the line ministries have available to them and that we do not have available to us. The budget of the Department of Indian Affairs and Northern Development is humungous. That department could undertake significant studies, with a very small dent in its budget. The minister's letter lays out in some detail the areas that he would like to have examined, building upon the study done by Ms. Cornet in the discussion paper "Matrimonial Real Property on Reserve."

I am curious as to why the committee, when it was debating whether to submit this motion to the Senate, felt that the department could not carry out the study, particularly when the minister has a very clear idea of what he wants looked into. It seems to me, at least, that we might some day receive a piece of legislation from that minister, and we might want to husband our limited resources to be able to do a thorough study of whatever legislation the minister brings in. The policy dimension seems to

be clear: the minister understands the policy that he is articulating. He is almost, from my reading of the minister's letter, proposing a sort of "pre-pre-study." I am not convinced. That is why I ask of the honourable senator, why does the department not do the study, instead of taking our very limited resources? The minister has presented an excellent outline of a study. Why does the minister not do it himself?

Senator Maheu: Honourable senators, I suspect that the minister knows the Senate quite well. Our reputation has preceded us. Certainly, Senator Chalifoux has dedicated her life to women's issues in the Aboriginal community. That, also, is well-known.

Speaking of Senate resources, I cannot foresee the cost being tremendous. If we experience a lack of resources in the Senate, I feel that the department will help us out if need be. I also realize that Senate independence is very important to senators. If we can find money to conduct special studies elsewhere, I am sure we can afford the little cost involved in doing this study for native women and for the minister. Perhaps he will table legislation. Of course, that would go to the proper committee.

I might add, honourable senators, that our researcher on the Standing Senate Committee on Human Rights in her other life was totally devoted to Aboriginal women's issues. The resources that we have at our disposal are phenomenal. It would be unfortunate if, because of possibly several procedures not being perfect, we decided not to do this study.

Senator Kinsella: If I have understood what the honourable senator has just said, I share with her high esteem for the Chair of the Standing Senate Committee on Aboriginal Peoples. Would the honourable senator not agree then that that would be the more appropriate committee to undertake this study, if the Senate agrees that it should be undertaken?

Senator Maheu: Honourable senators, I have already responded. I believe Senator Chalifoux is still the Chair of the Aboriginal Committee. If she is not, she has been the chair, and she has said that that committee just does not have the time to look at this type of short-term study. I gather from our leadership that the Standing Senate Committee on Legal and Constitutional Affairs does not have the time either. That is the reason that Senator Chalifoux has said, "I will be at all of your meetings and I will certainly devote all the time that I have when I am not on Aboriginal affairs."

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to move adjournment of the debate to have time to discuss the date on which the committee will submit its report. We have asked committees to table their reports when the Senate is sitting. June 27 seems to me to be rather late, and this is why I would like to see this discussed, so that the committee can present its report when the Senate is sitting.

[English]

Senator Maheu: Do not present the report when the Senate is sitting, honourable senators. The motion reads: "no later than." I totally agree that no report should be deposited if the Senate is not sitting. I thought we had changed the rules on that issue, and that reports should be deposited when the Senate is sitting.

The Hon. the Speaker *pro tempore*: Senator Robichaud, are you moving adjournment of the debate?

[Translation]

Senator Robichaud: Honourable senators, since the Chair of the committee assures me that the report will be presented only if the Senate is sitting, I accept her assurances.

[English]

Senator Kinsella: Honourable senators, I move the adjournment of the debate in the name of Senator Carney.

On motion of Senator Kinsella, for Senator Carney, debate adjourned.

[Translation]

The Senate adjourned until Wednesday, April 2, 2003, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(April 1, 2003)

| | |
|-------------------------------|--|
| The Right Hon. Jean Chrétien | Prime Minister |
| The Hon. David M. Collenette | Minister of Transport |
| The Hon. David Anderson | Minister of the Environment |
| The Hon. Ralph E. Goodale | Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians |
| The Hon. Sheila Copps | Minister of Canadian Heritage |
| The Hon. John Manley | Deputy Prime Minister, Minister of Finance and Minister of Infrastructure |
| The Hon. Anne McLellan | Minister of Health |
| The Hon. Allan Rock | Minister of Industry |
| The Hon. Lucienne Robillard | President of the Treasury Board |
| The Hon. Martin Cauchon | Minister of Justice and Attorney General of Canada |
| The Hon. Jane Stewart | Minister of Human Resources Development |
| The Hon. Stéphane Dion | President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs |
| The Hon. Pierre Pettigrew | Minister of International Trade |
| The Hon. Don Boudria | Leader of the Government in the House of Commons |
| The Hon. Lyle Vancilief | Minister of Agriculture and Agri-Food |
| The Hon. Herb Dhaliwal | Minister of Natural Resources |
| The Hon. Claudette Bradshaw | Minister of Labour |
| The Hon. Robert Daniel Nault | Minister of Indian Affairs and Northern Development |
| The Hon. Elinor Caplan | Minister for National Revenue |
| The Hon. Denis Coderre | Minister of Citizenship and Immigration |
| The Hon. Sharon Carstairs | Leader of the Government in the Senate |
| The Hon. Robert G. Thibault | Minister of Fisheries and Oceans |
| The Hon. Rey Pagtakhan | Minister of Veterans Affairs and Secretary of State (Science, Research and Development) |
| The Hon. Susan Whelan | Minister for International Cooperation |
| The Hon. William Graham | Minister of Foreign Affairs |
| The Hon. Gerry Byrne | Minister of State (Atlantic Canada Opportunities Agency) |
| The Hon. John McCallum | Minister of National Defence |
| The Hon. Wayne Easter | Solicitor General of Canada |
| The Hon. Ethel Blondin-Andrew | Secretary of State (Children and Youth) |
| The Hon. David Kilgour | Secretary of State (Asia-Pacific) |
| The Hon. Andrew Mitchell | Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario) |
| The Hon. Maurizio Bevilacqua | Secretary of State (International Financial Institutions) |
| The Hon. Paul DeVillers | Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons |
| The Hon. Gar Knutson | Secretary of State (Central and Eastern Europe and Middle East) |
| The Hon. Denis Paradis | Secretary of State (Latin America and Africa) (Francophonie) |
| The Hon. Claude Drouin | Secretary of State (Economic Development Agency of Canada for the Regions of Quebec) |
| The Hon. Stephen Owen | Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development) |
| The Hon. Jean Augustine | Secretary of State (Multiculturalism)(Status of Women) |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(April 1, 2003)

| Senator | Designation | Post Office Address |
|-------------------------------------|-----------------------------|-------------------------|
| THE HONOURABLE | | |
| Herbert O. Sparrow | Saskatchewan | North Battleford, Sask. |
| Edward M. Lawson | Vancouver | Vancouver, B.C. |
| Bernard Alasdair Graham, P.C. | The Highlands | Sydney, N.S. |
| Jack Austin, P.C. | Vancouver South | Vancouver, B.C. |
| Willie Adams | Nunavut | Rankin Inlet, Nunavut |
| Lowell Murray, P.C. | Pakenham | Ottawa, Ont. |
| C. William Doody | Harbour Main-Bell Island | St. John's, Nfld. |
| Peter Alan Stollery | Bloor and Yonge | Toronto, Ont. |
| Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa, Ont. |
| E. Leo Kolber | Victoria | Westmount, Que. |
| Michael Kirby | South Shore | Halifax, N.S. |
| Jerahmiel S. Grafstein | Metro Toronto | Toronto, Ont. |
| Anne C. Cools | Toronto-Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuuaq, Que. |
| Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary, Alta. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Eymard Georges Corbin | Grand-Sault | Grand-Sault, N.B. |
| Brenda Mary Robertson | Riverview | Shediac, N.B. |
| Norman K. Atkins | Markham | Toronto, Ont. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. |
| Eileen Rossiter | Prince Edward Island | Charlottetown, P.E.I. |
| Mira Spivak | Manitoba | Winnipeg, Man. |
| Roch Bolduc | Gulf | Sainte-Foy, Que. |
| Gérald-A. Beaudoin | Rigaud | Hull, Que. |
| Pat Carney, P.C. | British Columbia | Vancouver, B.C. |
| Gerald J. Comeau | Nova Scotia | Church Point, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | Nova Scotia | Halifax, N.S. |
| Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton, N.B. |
| John Buchanan, P.C. | Nova Scotia | Halifax, N.S. |
| John Lynch-Staunton | Grandville | Georgeville, Que. |
| James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie, Ont. |
| J. Trevor Eyton | Ontario | Caledon, Ont. |
| Wilbert Joseph Keon | Ottawa | Ottawa, Ont. |
| Michael Arthur Meighen | St. Marys | Toronto, Ont. |
| J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth, N.S. |
| Janis G. Johnson | Winnipeg-Interlake | Gimli, Man. |
| A. Raynell Andreychuk | Regina | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| Marcel Prud'homme, P.C. | La Salle | Montreal, Que. |
| Leonard J. Gustafson | Saskatchewan | Macoun, Sask. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |

| Senator | Designation | Post Office Address |
|------------------------------|------------------------------------|-----------------------------------|
| David Angus | Alma | Montreal, Que. |
| Pierre Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton | Ontario | Manotick, Ont. |
| Jerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| Isabelle Bacon | De la Durantaye | Laval, Que. |
| Sharon Carstairs, P.C. | Manitoba | Victoria Beach, Man. |
| Andon Pearson | Ontario | Ottawa, Ont. |
| Jan-Robert Gauthier | Ottawa-Vanier | Ottawa, Ont. |
| John G. Bryden | New Brunswick | Bayfield, N.B. |
| Rose-Marie Losier-Cool | Tracadie | Bathurst, N.B. |
| Éline Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| William H. Rompkey, P.C. | Labrador | North West River, Labrador, Nfld. |
| Norma Milne | Peel County | Brampton, Ont. |
| Marie-P. Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |
| Thirley Maheu | Rougemont | Saint-Laurent, Que. |
| Wilfred P. Moore | Stanhope St./Bluenose | Chester, N.S. |
| Lucie Pépin | Shawinigan | Montreal, Que. |
| Fernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| Catherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| Marisa Ferretti Barth | Repentigny | Pierrefonds, Que. |
| George Joyal, P.C. | Kennebec | Montreal, Que. |
| Thelma J. Chalifoux | Alberta | Morinville, Alta. |
| Joan Cook | Newfoundland and Labrador | St. John's, Nfld. |
| Gloss Fitzpatrick | Okanagan-Similkameen | Kelowna, B.C. |
| Francis William Mahovlich | Toronto | Toronto, Ont. |
| Richard H. Kroft | Manitoba | Winnipeg, Man. |
| Douglas James Roche | Edmonton | Edmonton, Alta. |
| Joan Thorne Fraser | De Lorimier | Montreal, Que. |
| André Gill | Wellington | Mashteuiatsh, Pointe-Bleue, Que. |
| Yvonne Poy | Toronto | Toronto, Ont. |
| Gene Christensen | Yukon Territory | Whitehorse, Y.T. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. |
| Nick G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| Robert Finnelly | Ontario | Burlington, Ont. |
| John Wiebe | Saskatchewan | Swift Current, Sask. |
| Tommy Banks | Alberta | Edmonton, Alta. |
| Janet Cordy | Nova Scotia | Dartmouth, N.S. |
| Raymond C. Setlakwe | The Laurentides | Thetford Mines, Que. |
| Yves Morin | Lauzon | Quebec, Que. |
| Elizabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| André LaPierre | Ontario | Ottawa, Ont. |
| Viola Léger | Acadie/New Brunswick | Moncton, N.B. |
| Robina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Sean Lapointe | Saurel | Magog, Que. |
| Gérard A. Phalen | Nova Scotia | Glace Bay, N.S. |
| Joseph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| Michel Biron | Mille Isles | Nicolet, Que. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. |
| Raymond Lavigne | Montarville | Verdun, Que. |
| David P. Smith, P.C. | Cobourg | Toronto, Ont. |
| Maria Chaput | Manitoba | Sainte-Anne, Man. |
| Anna Merchant | Saskatchewan | Regina, Sask. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |

SENATORS OF CANADA

ALPHABETICAL LIST

(April 1, 2003)

| Senator | Designation | Post Office Address | Political Affiliation |
|--------------------------------------|---------------------------------|----------------------------------|-----------------------|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Lib |
| Andreychuk, A. Raynell | Regina | Regina, Sask. | PC |
| Angus, W. David | Alma | Montreal, Que. | PC |
| Atkins, Norman K. | Markham | Toronto, Ont. | PC |
| Austin, Jack, P.C. | Vancouver South | Vancouver, B.C. | Lib |
| Bacon, Lise | De la Durantaye | Laval, Que. | Lib |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander Nfld. | Lib |
| Banks, Tommy | Alberta | Edmonton, Alta. | Lib |
| Beaudoin, Gérald-A. | Rigaud | Hull, Que. | PC |
| Biron, Michel | Mille Isles | Nicolet, Que. | Lib |
| Bolduc, Roch | Gulf | Sainte-Foy, Que. | PC |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Lib |
| Buchanan, John, P.C. | Halifax | Halifax, N.S. | PC |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Lib |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | PC |
| Carstairs, Sharon, P.C. | Manitoba | Victoria Beach, Man. | Lib |
| Chalifoux, Thelma J. | Alberta | Morinville, Alta. | Lib |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Lib |
| Christensen, Ione | Yukon Territory | Whitehorse, Y.T. | Lib |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. | PC |
| Comeau, Gerald J. | Nova Scotia | Church Point, N.S. | PC |
| Cook, Joan | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Cools, Anne C. | Toronto-Centre-York | Toronto, Ont. | Lib |
| Corbin, Eymard Georges | Grand-Sault | Grand-Sault, N.B. | Lib |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Lib |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Lib |
| De Bané, Pierre, P.C. | De la Vallière | Montreal, Que. | Lib |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | PC |
| Doody, C. William | Harbour Main-Bell Island | St. John's, Nfld. | PC |
| Eyton, J. Trevor | Ontario | Caledon, Ont. | PC |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Lib |
| Ferretti Barth, Marisa | Repentigny | Pierrefonds, Que. | Lib |
| Finnerty, Isobel | Ontario | Burlington, Ont. | Lib |
| Fitzpatrick, Ross | Okanagan-Similkameen | Kelowna, B.C. | Lib |
| Forrestall, J. Michael | Dartmouth and the Eastern Shore | Dartmouth, N.S. | PC |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Lib |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Gauthier, Jean-Robert | Ottawa-Vanier | Ottawa, Ont. | Lib |
| Gill, Aurélien | Wellington | Mashteuiatsh, Pointe-Bleue, Que. | Lib |
| Grafstein, Jerahmiel S. | Metro Toronto | Toronto, Ont. | Lib |
| Graham, Bernard Alasdair, P.C. | The Highlands | Sydney, N.S. | Lib |
| Gustafson Leonard J. | Saskatchewan | Macoun, Sask. | PC |
| Hays, Daniel Phillip, <i>Speaker</i> | Calgary | Calgary, Alta. | Lib |
| Hervieux-Payette, Céline, P.C. | Bedford | Montreal, Que. | Lib |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Lib |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Lib |

| Senator | Designation | Post Office Address | Political Affiliation |
|------------------------------------|------------------------------------|-----------------------------------|-----------------------|
| Johnson, Janis G. | Winnipeg-Interlake | Gimli, Man. | PC |
| Koyal, Serge, P.C. | Kennebec | Montreal, Que. | Lib |
| McLellan, James Francis, P.C. | Ontario | Sault Ste. Marie, Ont. | PC |
| McNelly, Colin | Rideau | Ottawa, Ont. | Lib |
| McNorton, Wilbert Joseph | Ottawa | Ottawa, Ont. | PC |
| McNisella, Noël A. | Fredericton-York-Sunbury | Fredericton, N.B. | PC |
| McNirby, Michael | South Shore | Halifax, N.S. | Lib |
| McNolber, E. Leo | Victoria | Westmount, Que. | Lib |
| McNroft, Richard H. | Manitoba | Winnipeg, Man. | Lib |
| McNPierre, Laurier L. | Ontario | Ottawa, Ont. | Lib |
| McNpoinette, Jean | Saurel | Magog, Que. | Lib |
| McNpavigne, Raymond | Montarville | Verdun, Que. | Lib |
| McNpawson, Edward M. | Vancouver | Vancouver, B.C. | Ind |
| McNpBreton, Marjory | Ontario | Manotick, Ont. | PC |
| McNpéger, Viola | Acadie/New Brunswick | Moncton, N.B. | Lib |
| McNposier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Lib |
| McNpynch-Staunton, John | Grandville | Georgeville, Que. | PC |
| McNpfaheu, Shirley | Rougemont | Saint-Laurent, Que. | Lib |
| McNpahovich, Francis William | Toronto | Toronto, Ont. | Lib |
| McNpfeighen, Michael Arthur | St. Marys | Toronto, Ont. | PC |
| McNpMerchant, Pana | Saskatchewan | Regina, Sask. | Lib |
| McNpfilne, Lorna | Peel County | Brampton, Ont. | Lib |
| McNpMoore, Wilfred P. | Stanhope St./Bluenose | Chester, N.S. | Lib |
| McNpMorin, Yves | Lauzon | Quebec, Que. | Lib |
| McNpMurray, Lowell, P.C. | Pakenham | Ottawa, Ont. | PC |
| McNpJolin, Pierre Claude | De Salaberry | Quebec, Que. | PC |
| McNpOliver, Donald H. | Nova Scotia | Halifax, N.S. | PC |
| McNpPearson, Landon | Ontario | Ottawa, Ontario | Lib |
| McNpPépin, Lucie | Shawinigan | Montreal, Que. | Lib |
| McNpPhalen, Gerard A. | Nova Scotia | Glace Bay, N.S. | Lib |
| McNpPittfield, Peter Michael, P.C. | Ottawa-Vanier | Ottawa, Ont. | Ind |
| McNpPoulin, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Lib |
| McNpRoy, Vivienne | Toronto | Toronto, Ont. | Lib |
| McNpRud'homme, Marcel, P.C. | La Salle | Montreal, Que. | Ind |
| McNpLinguette, Pierrette | New Brunswick | Edmundston, N.B. | Lib |
| McNpRivest, Jean-Claude | Stadacona | Quebec, Que. | PC |
| McNpRobertson, Brenda Mary | Riverview | Shediac, N.B. | PC |
| McNpRobichaud, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Lib |
| McNpRoche, Douglas James | Edmonton | Edmonton, Alta. | Ind |
| McNpRompkey, William H., P.C. | Labrador | North West River, Labrador, Nfld. | Lib |
| McNpRossiter, Eileen | Prince Edward Island | Charlottetown, P.E.I. | PC |
| McNpSt. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | CA |
| McNpStetakwe, Raymond C. | The Laurentides | Thetford Mines, Que. | Lib |
| McNpStibbeston, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Lib |
| McNpSmith, David P., P.C. | Cobourg | Toronto, Ont. | Lib |
| McNpSparrow, Herbert O. | Saskatchewan | North Battleford, Sask. | Lib |
| McNpSpivak, Mira | Manitoba | Winnipeg, Man. | PC |
| McNpStollery, Peter Alan | Bloor and Yonge | Toronto, Ont. | Lib |
| McNpStratton, Terrance R. | Red River | St. Norbert, Man. | PC |
| McNpTkachuk, David | Saskatchewan | Saskatoon, Sask. | PC |
| McNpWatt, Charlie | Inkerman | Kuujuuaq, Que. | Lib |
| McNpWiebe, John | Saskatchewan | Swift Current, Sask. | Lib |

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (April 1, 2003)

ONTARIO—24

| Senator | Designation | Post Office Address |
|--------------------------------|---------------------|---------------------|
| THE HONOURABLE | | |
| 1 Lowell Murray, P.C. | Pakenham | Ottawa |
| 2 Peter Alan Stollery | Bloor and Yonge | Toronto |
| 3 Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa |
| 4 Jeremiah S. Grafstein | Metro Toronto | Toronto |
| 5 Anne C. Cools | Toronto-Centre-York | Toronto |
| 6 Colin Kenny | Rideau | Ottawa |
| 7 Norman K. Atkins | Markham | Toronto |
| 8 Consiglio Di Nino | Ontario | Downsview |
| 9 James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie |
| 10 John Trevor Eyton | Ontario | Caledon |
| 11 Wilbert Joseph Keon | Ottawa | Ottawa |
| 12 Michael Arthur Meighen | St. Marys | Toronto |
| 13 Marjory LeBreton | Ontario | Manotick |
| 14 Landon Pearson | Ontario | Ottawa |
| 15 Jean-Robert Gauthier | Ottawa-Vanier | Ottawa |
| 16 Lorna Milne | Peel County | Brampton |
| 17 Marie-P. Poulin | Northern Ontario | Ottawa |
| 18 Francis William Mahovlich | Toronto | Toronto |
| 19 Vivienne Poy | Toronto | Toronto |
| 20 Isobel Finnerty | Ontario | Burlington |
| 21 Laurier L. LaPierre | Ontario | Ottawa |
| 22 David P. Smith, P.C. | Cobourg | Toronto |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|--|---------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 E. Leo Kolber | Victoria | Westmount |
| 2 Charlie Watt | Inkerman | Kuujuuaq |
| 3 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 4 Roch Bolduc | Gulf | Sainte-Foy |
| 5 Gérard-A. Beaudoin | Rigaud | Hull |
| 6 John Lynch-Staunton | Grandville | Georgeville |
| 7 Jean-Claude Rivest | Stadacona | Quebec |
| 8 Marcel Prud'homme, P.C. | La Salle | Montreal |
| 9 W. David Angus | Alma | Montreal |
| 10 Pierre Claude Nolin | De Salaberry | Quebec |
| 11 Lise Bacon | De la Durantaye | Laval |
| 12 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 13 Shirley Maheu | Rougemont | Ville de Saint-Laurent |
| 14 Lucie Pépin | Shawinigan | Montreal |
| 15 Marisa Ferretti Barth | Repentigny | Pierrefonds |
| 16 Serge Joyal, P.C. | Kennebec | Montreal |
| 17 Joan Thorne Fraser | De Lorimier | Montreal |
| 18 Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue |
| 19 Raymond C. Setlakwe | The Laurentides | Thetford Mines |
| 20 Yves Morin | Lauzon | Quebec |
| 21 Jean Lapointe | Saurel | Magog |
| 22 Michel Biron | Milles Isles | Nicolet |
| 23 Raymond Lavigne | Montarville | Verdun |
| 24 | De Lanaudière | |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------------------------|-----------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Bernard Alasdair Graham, P.C. | The Highlands | Sydney |
| 2 Michael Kirby | South Shore | Halifax |
| 3 Gerald J. Comeau | Nova Scotia | Church Point |
| 4 Donald H. Oliver | Nova Scotia | Halifax |
| 5 John Buchanan, P.C. | Halifax | Halifax |
| 6 J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth |
| 7 Wilfred P. Moore | Stanhope St./Bluenose | Chester |
| 8 Jane Cordy | Nova Scotia | Dartmouth |
| 9 Gerard A. Phalen | Nova Scotia | Glace Bay |
| 10 ..... | ..... | ..... |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|--------------------------------|--------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eymard Georges Corbin | Grand-Sault | Grand-Sault |
| 2 Brenda Mary Robertson | Riverview | Shediac |
| 3 Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton |
| 4 John G. Bryden | New Brunswick | Bayfield |
| 5 Rose-Marie Losier-Cool | Tracadie | Bathurst |
| 6 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 7 Viola Léger | Acadie/New Brunswick | Moncton |
| 8 Joseph A. Day | Saint John-Kennebecasis | Hampton |
| 9 Pierrette Ringuette | New Brunswick | Edmundston |
| 10 ..... | ..... | ..... |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------------|----------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eileen Rossiter | Prince Edward Island | Charlottetown |
| 2 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 3 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 4 ..... | ..... | ..... |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|--------------------------|--------------------|---------------------|
| THE HONOURABLE | | |
| 1 Mira Spivak | Manitoba | Winnipeg |
| 2 Janis G. Johnson | Winnipeg-Interlake | Gimli |
| 3 Terrance R. Stratton | Red River | St. Norbert |
| 4 Sharon Carstairs, P.C. | Manitoba | Victoria Beach |
| 5 Richard H. Kroft | Manitoba | Winnipeg |
| 6 Maria Chaput | Manitoba | Sainte-Anne |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|---------------------------|----------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Edward M. Lawson | Vancouver | Vancouver |
| 2 Jack Austin, P.C. | Vancouver South | Vancouver |
| 3 Pat Carney, P.C. | British Columbia | Vancouver |
| 4 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 5 Ross Fitzpatrick | Okanagan-Similkameen | Kelowna |
| 6 Mobina S.B. Jaffer | British Columbia | North Vancouver |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|-------------------------|--------------|---------------------|
| THE HONOURABLE | | |
| 1 Herbert O. Sparrow | Saskatchewan | North Battleford |
| 2 A. Raynell Andreychuk | Regina | Regina |
| 3 Leonard J. Gustafson | Saskatchewan | Macoun |
| 4 David Tkachuk | Saskatchewan | Saskatoon |
| 5 John Wiebe | Saskatchewan | Swift Current |
| 6 Pana Merchant | Saskatchewan | Regina |

ALBERTA—6

| Senator | Designation | Post Office Address |
|---------------------------------------|-------------|---------------------|
| THE HONOURABLE | | |
| 1 Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary |
| 2 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 Thelma J. Chalifoux | Alberta | Morinville |
| 4 Douglas James Roche | Edmonton | Edmonton |
| 5 Tommy Banks | Alberta | Edmonton |
| 6 | | |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|----------------------------|---------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 C. William Doody | Harbour Main-Bell Island | St. John's |
| 2 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 3 William H. Rompkey, P.C. | Labrador | North West River, Labrador |
| 4 Joan Cook | Newfoundland and Labrador | St. John's |
| 5 George Furey | Newfoundland and Labrador | St. John's |
| 6 George S. Baker, P.C. | Newfoundland and Labrador | Gander |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|---------------------|-----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|----------------|-------------|---------------------|
| THE HONOURABLE | | |
| 1 Willie Adams | Nunavut | Rankin Inlet |

YUKON TERRITORY—1

| Senator | Designation | Post Office Address |
|--------------------|-----------------|---------------------|
| THE HONOURABLE | | |
| 1 Ione Christensen | Yukon Territory | Whitehorse |

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of April 1, 2003)

Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

| | | | |
|----------------|--------------|-------------------|------------|
| Carney, | Chaput, | Léger, | Sibbeston, |
| Carstairs, | Christensen, | * Lynch-Staunton, | Stratton, |
| (or Robichaud) | Gill, | (or Kinsella) | Tkachuk. |
| Chalifoux, | Johnson, | Pearson, | |

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson,
Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

| | | | |
|----------------|------------|-------------------|------------|
| Carstairs, | Fairbairn, | LeBreton, | Oliver, |
| (or Robichaud) | Gustafson, | * Lynch-Staunton, | Ringuette, |
| Chalifoux, | Hubley, | (or Kinsella) | Tkachuk. |
| Day, | LaPierre, | Maheu, | |

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe,
LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

| | | | |
|----------------|-------------------|-------------------|-------------|
| Angus, | Fitzpatrick, | Kroft, | Oliver, |
| Carstairs, | Hervieux-Payette, | * Lynch-Staunton, | Prud'homme, |
| (or Robichaud) | Kelleher, | (or Kinsella) | Setlakwe, |
| | Kolber, | Moore, | Tkachuk. |

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft,
*Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

| | | | |
|----------------|--------------|-------------------|---------|
| Baker, | Christensen, | Kenny, | Milne, |
| Banks, | Cochrane, | * Lynch-Staunton, | Spivak, |
| Buchanan, | Eyton, | (or Kinsella) | Watt. |
| * Carstairs, | Finnerty, | Merchant, | |
| (or Robichaud) | | | |

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

| | | | |
|----------------|-----------|-------------------|----------|
| Adams, | Cochrane, | Johnson, | Meighen, |
| Baker, | Comeau, | * Lynch-Staunton, | Phalen, |
| * Carstairs, | Cook, | (or Kinsella) | Watt. |
| (or Robichaud) | Hubley, | Mahovlich, | |

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

| | | | |
|-------------|----------------|------------|-------------------|
| Andreychuk, | * Carstairs, | De Bané, | * Lynch-Staunton, |
| Austin, | (or Robichaud) | Di Nino, | (or Kinsella) |
| Bolduc, | Corbin, | Grafstein, | Merchant, |
| Carney, | Chaput, | Graham, | Stollery. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

Honourable Senators:

| | | | |
|----------------|-----------------|-------------------|---------|
| Beaudoin, | Ferretti Barth, | Kinsella, | Maheu, |
| Carstairs, | Jaffer, | * Lynch-Staunton, | Poy, |
| (or Robichaud) | LaPierre, | (or Kinsella) | Rivest. |
| Bryden, | | | |

Original Members as nominated by the Committee of Selection

*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre, *Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Interim Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|---------|----------------|-------------------|------------|
| Atkins, | * Carstairs, | Gill, | Poulin, |
| Austin, | (or Robichaud) | Jaffer, | Robertson, |
| Bacon, | De Bané, | Kroft, | Robichaud, |
| Cools, | Eyton, | * Lynch-Staunton, | Stratton. |
| Bryden, | Gauthier, | (or Kinsella) | |

Original Members as nominated by the Committee of Selection

*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier, Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

| | | | |
|-------------|----------------|-------------------|-----------|
| Andreychuk, | * Carstairs, | Jaffer, | Nolin, |
| Baker, | (or Robichaud) | Joyal, | Pearson, |
| Beaudoin, | Cools, | * Lynch-Staunton, | Smith, |
| Bryden, | Furey, | (or Kinsella) | Stratton. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey, Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

| | | | |
|-------------|-----------|--------|------|
| Bolduc, | Lapointe, | Morin, | Poy. |
| Forrestall, | | | |

Original Members agreed to by Motion of the Senate
Bolduc, Forrestall, Lapointe, Morin, Poy.

NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

| | | | |
|----------------|---------|----------------|-------------------|
| Biron, | Comeau, | Ferretti Barth | * Lynch-Staunton, |
| Bolduc, | Cools, | Finnerty, | (or Kinsella) |
| * Carstairs, | Day, | Furey, | Mahovlich, |
| (or Robichaud) | Doody, | Gauthier, | Murray. |

Original Members as nominated by the Committee of Selection
*Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty,*
*Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

| | | | |
|----------------|-------------|-------------------|----------|
| Atkins, | Cordy, | Kenny, | Meighen, |
| Banks, | Day, | * Lynch-Staunton, | Smith, |
| * Carstairs, | Forrestall, | (or Kinsella) | Wiebe. |
| (or Robichaud) | | | |

Original Members as nominated by the Committee of Selection
*Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny,*
**Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

| | | | |
|----------------|--------|-------------------|----------|
| Atkins, | Day, | * Lynch-Staunton, | Meighen, |
| Carstairs, | Kenny, | (or Kinsella) | Wiebe. |
| (or Robichaud) | | | |

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator Keon

Honourable Senators:

| | | | |
|----------------|-----------|--------------|-------------------|
| Beaudoin, | Comeau, | Lapointe, | * Lynch-Staunton, |
| Carstairs, | Gauthier, | Léger, | (or Kinsella) |
| (or Robichaud) | Keon, | Losier-Cool, | Maheu. |
| Chaput, | | | |

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

| | | | |
|----------------|-------------------|------------|-----------|
| Andreychuk, | Grafstein, | Milne, | Rompkey, |
| Carstairs, | Hubley, | Murray, | Smith, |
| (or Robichaud) | Joyal, | Pépin, | Stratton, |
| Di Nino, | * Lynch-Staunton, | Ringuette, | Wiebe. |
| Fraser, | (or Kinsella) | Robertson, | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Hervieux-Payette

Vice-Chair:

Honourable Senators:

| | | | |
|---------|-------------------|-----------|---------|
| Biron, | Hervieux-Payette, | Merchant, | Nolin, |
| Chaput, | Kelleher, | Moore, | Phalen. |

Original Members as agreed to by Motion of the Senate

Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.

SELECTION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|----------------|------------|-------------------|-----------|
| Biron, | De Bané, | Kolber, | Rompkey, |
| * Carstairs, | Fairbairn, | LeBreton, | Stratton, |
| (or Robichaud) | Kinsella, | * Lynch-Staunton, | Tkachuk. |
| | | (or Kinsella) | |

Original Members agreed to by Motion of the Senate

*Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

| | | | |
|----------------|------------|-------------------|----------|
| * Carstairs, | Fairbairn, | LeBreton, | Morin, |
| (or Robichaud) | Keon, | Léger, | Pearson, |
| Cook, | Kinsella, | * Lynch-Staunton, | Roche. |
| Cordy, | Kirby, | (or Kinsella) | |
| Di Nino, | | | |

Original Members as nominated by the Committee of Selection

*Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Adams,
Carstairs,
(or Robichaud)
Day,

Eyton,
Fraser,
Graham,
Gustafson,

Johnson,
LaPierre,
* Lynch-Staunton,
(or Kinsella)

Merchant,
Phalen,
Ringuette,
Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser,
Graham, Gustafson, Johnson, LaPierre, *Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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CANADA

Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 47

OFFICIAL REPORT
(HANSARD)

Wednesday, April 2, 2003

—

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, April 2, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

[English]

Prayers.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

SENATORS' STATEMENTS

JUSTICE

DECISION OF QUEBEC COURT OF APPEAL ON YOUTH CRIMINAL JUSTICE ACT

Hon. Gérald-A. Beaudoin: Honourable senators, the Quebec Court of Appeal has just brought down a decision on the new Youth Criminal Justice Act.

According to the court, the legislation is constitutional, overall, and complies with international law. It comes under the Parliament's jurisdiction over criminal law and is not contrary to international conventions that have been ratified by Canada.

However, the court added that two elements in the law are contrary to section 7 of the Canadian Charter of Rights and Freedoms.

The court feels that imposing adult sentencing on adolescents at age 14, unless there is application made for an exception to this, constitutes an excessive reversal of the burden of proof. This presumption of adult sentencing is neither necessary nor justified under section 1 of the Charter.

Similarly, publication of the names of young offenders who have been found guilty is contrary to section 7 of the Charter. This exception to the principle of confidentiality constitutes an attack on the adolescent's psychological security.

I am pleased that the appeal court mentions, in passing, the work done in the Senate on Bill C-7.

I am pleased with this dialogue, if I may use the term, between the judiciary and the legislative. It is a very good thing. Each plays its role within its respective sphere.

That is what I wanted to bring to my colleagues' attention.

Honourable senators will recall that certain members of the committee had proposed amendments that were not retained.

If they had been, the bill would have been less open to criticism.

It is now up to the Minister of Justice to decide whether or not to appeal this decision.

Hon. Edward M. Lawson: Honourable senators, I understand that the Minister of Defence for Prime Minister Blair was giving a report on progress in Iraq. He said, "Prime Minister, I have good news and bad news." Prime Minister Blair said, "Do give me the good news." The minister said, "The missiles and the precision bombs of the U.S. are so accurate that we severely damaged or destroyed six of Saddam Hussein's palaces that, we believe, house weapons of mass destruction." Prime Minister Blair said, "What is the bad news?" The minister replied, "They were all insured by Lloyds of London."

I want to make a few comments about the speech by Ambassador Cellucci. A few days after the tragedy of September 11, when there was the gathering on Parliament Hill, a memorial for the Americans, I was never more proud of Prime Minister Chrétien when he said, standing alongside the ambassador, "At a time like this, we think of the Americans as friends, neighbours and family." I never felt more close to the Americans than after Ambassador Cellucci made his response to our Prime Minister. I say that because I worked in the U.S. for many years. We keep a home in California for when it is cold here and because we love the United States and its people. We are always treated with respect and warmth and made to feel at home in the U.S.

Foul and crude invectives have been hurled at our American friends, neighbours and family by MPs, by staff and by a cabinet minister. How does the U.S. respond? Do they respond in kind? No. Ambassador Cellucci comes to Toronto to speak to a Canadian audience and the Canadian press. He tells us the plain, unvarnished truth with dignity, respect and professionalism. The U.S. had counted on Canada because they had always been there over the years, standing beside them, an ally they could rely and depend upon. On this occasion, the Americans were disappointed because we were missing from action.

The ambassador did go on to say quickly that the contribution we made in sending ships, troops and military personnel was a larger contribution than many of the coalition partners had made. He made a point of saying that he was also disappointed with the remarks, on the day that the war started, made by a cabinet minister against the President of the United States and leader of the coalition forces. The President of the United States, the country with the largest contribution of money, munitions, personnel and people at risk, was accused of being a failed statesman for leading the war for freedom of the Iraqi people. The Americans did not expect this from their friends, neighbours and extended family in Canada. Also, many Americans — and I spend a lot of time in the United States — felt it was giving aid and comfort to the enemy in a time of war.

• (1340)

When the ambassador made his speech, did he make disparaging remarks about our Prime Minister? No. Did he attack the Canadian people? No. He conducted himself with dignity and professionalism, so much so that, by comparison, his Canadian critics came across as insensitive, ignorant boors.

How did we respond? Some MPs demanded that Mr. Cellucci be recalled as the U.S. ambassador and be sent packing from Canada. For what? For simply telling the truth.

My time is up, honourable senators. I will finish tomorrow.

BRITISH COLUMBIA

GEORGIA STRAIT CROSSING PIPELINE PROJECT

Hon. Pat Carney: Honourable senators, the Georgia Strait Crossing Pipeline hearing in Sidney is over and evidence is being considered by the Joint Review Panel. Individuals and groups have expressed concerns about the GSXPL project, which runs underwater between Washington State and Vancouver Island. They have asked me to bring these concerns to your attention.

One issue they raise is that there are better ways to bring energy to Vancouver Island than another underwater pipeline. From the outset of this proposed project, the public has questioned B.C.'s Hydro need for the project because there are lower cost, less environmentally damaging ways to provide energy to Vancouver Island.

Because of this public concern, the Minister of the Environment, David Anderson, explicitly recognized the need to evaluate alternatives to the project as part of the Canadian Environmental Assessment Act, the CEAA. Under oath in cross-examination, GSX Pipeline Limited stated that it did not conduct an environmental effects assessment of the undersea cable option.

GSXPL's failure to provide the environmental effects assessment as required under the CEAA raises the issue of how the joint review panel can render a decision with respect to this application.

I will outline some of the problems identified by the critics. The pipeline corridor goes directly through the proposed southern Strait of Georgia National Marine Conservation Area and through the habitat of the southern resident population of killer whales, which are listed as endangered. This route skirts Saturna Island, where I live.

The killer whale population is particularly at risk from persistent toxic chemicals. While GSX Pipeline acknowledges toxins are a contributing factor in the decline of this population, they have refused to conduct any study on the effects of the

contaminants that pipeline construction will stir up, or which toxins may be introduced and how much of them could influence the food chain.

Killer whales are also subject to significant noise interference from boats and ships because of the proximity of their summer range to Victoria and Vancouver.

The pipeline proponents have relied on anecdotal information from fishermen rather than on scientific studies for habitat needs and, as a result, no baseline data were provided on these endangered species. As well, no acoustic studies were conducted for the construction phase of the project, nor was any consideration given to the environmental effects of possible pipeline leaks.

A unique and isolated non-migratory harbour porpoise population lives in the middle of the southern Georgia Strait, and the proposed pipeline corridor goes directly through the middle of their habitat. There is no other place for these small marine mammals to go if they are dislocated. No studies have been conducted for either this species by the pipeline proponents nor for the resident Steller's sea lions, also listed by the province as threatened.

The pipeline company has failed to identify 14 current great blue heron nests along the land portion of the pipeline, and similarly, while construction is planned for the winter, no studies were undertaken to identify winter water birds along the shoreline, many of which are also listed as threatened or endangered.

The Hon. the Speaker: Senator Carney, I regret to inform you that your time has expired.

[Later]

Honourable senators, Senator Carney has asked for the floor before we proceed to Orders of the Day.

Senator Carney: Honourable senators, I ran out of time for Senators' Statements in the middle of the final sentence of my statement, rendering it senseless. I seek leave to amend the record to complete that final sentence.

The Hon. The Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Carney: Honourable senators, given the failure of the Georgia Strait Pipeline to provide these environmental assessments as requested by the Canadian Environmental Assessment Act, critics claim that the pipeline proponents have not met the requirements, as set out by law.

[Translation]

Wednesday, April 2, 2003

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS COMMISSION

2002 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the two reports from the Canadian Human Rights Commission, the 2002 Annual Report and the report entitled "2002 Employment Equity: A Year-End Review," pursuant to the Canadian Human Rights Act.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, April 2, 2003

The Standing Committee on Internal Economy, Budgets and Administration, has the honour to present its

THIRTEENTH REPORT

Your Committee adopted a *Revised Policy on Equipment, Furniture and Furnishings* and recommends its adoption.

The amendments will serve to update the Policy on Equipment, Furniture and Furnishings, originally passed by the Senate on November 19, 1997, to respond to current needs.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall these reports be taken into consideration?

Senator Bacon: I wish to inform the senators that their offices will receive a copy of this policy today.

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FOURTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FOURTEENTH REPORT

Your Committee adopted a *Revised Policy on Telecommunications* and recommends its adoption.

The amendments will serve to update the Policy, originally passed by the Senate on November 7, 1989, which became obsolete due to new technologies.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall these reports be taken into consideration?

Senator Bacon: I wish to inform the senators that their offices will receive a copy of this policy today.

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with the leave of the Senate, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), during the week of April 7 to 11, 2003, all Standing or Joint Committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jean Lapointe presented Bill S-18, to amend the Criminal Code (lotteries).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Senator Lapointe: I would just like to mention that the bill deals with video lottery terminals, better known as video poker.

On motion of Senator Lapointe, bill placed on the Orders of the Day for second reading two days hence.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO TABLE REPORT DURING ADJOURNMENT OF THE SENATE

Hon. Lorna Milne: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be permitted, notwithstanding usual practices, to deposit an interim report with the Clerk of the Senate should the Senate not be sitting, and that the report be deemed to have been tabled in the chamber.

• (1350)

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION—REQUEST FOR ASSISTANCE

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate and deals with the SARS health problem.

First, I would like to acknowledge the letter from Minister McLellan this morning and the information on the Web site, which, in large part, answers the question I directed to the honourable leader yesterday.

Today, it was reported that Health Canada, at the request of the Province of Ontario, had asked the U.S. Centers for Disease Control and Prevention for assistance in containing the outbreak of SARS. The CDC responded that it was unable to help due to its inability to spare the manpower as it deals with its own cases of disease in the United States. Ontario's Commissioner of Public Safety, Dr. Jim Young, has confirmed that Health Canada has been asked by the province to repeat the request for assistance from the CDC.

Can the honourable minister tell me where all of this stands at the present time? Has there been a repeat request?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know whether there has been a repeat request, but I do know that the Government of Canada is willing to do anything it is asked by the provinces to facilitate our finding out as much about this disease as we can. If that request has been made, we can be almost guaranteed that a subsequent request will be made of the Centers for Disease Control and Prevention.

SEVERE ACUTE RESPIRATORY SYNDROME— NEED FOR ADDITIONAL RESOURCES

Hon. Wilbert J. Keon: Honourable senators, is the honourable minister comfortable that, between Health Canada and the provincial resources, the situation is well under control, or are further resources required?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it may be true that additional resources may be required. Two things are happening that cause us some concern. One is the number of cases within the Toronto area and the number of health care professionals impacted in that particular area. We are not just dealing with citizens who could not be proactive in the disease. We are also dealing with the loss of those individuals if they themselves are quarantined and, therefore, unable to provide care to others.

The Government of Canada would respond favourably to the suggestion of using our resources, but we have limited numbers of doctors and nurses in the direct control of Health Canada, as the honourable senator is well aware. I would not be surprised, however, if requests are made by the Government of Ontario to other provinces to help it meet the needs in the Toronto community, and I think that such requests would receive favourable responses.

FINANCE

BANK MERGERS—MINISTER'S REVIEW OF HOUSE OF COMMONS COMMITTEE REPORT

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and deals with bank mergers.

In October of last year, the Minister of Finance and the Secretary of State for Financial Institutions asked the House of Commons Finance Committee and the Senate Banking Committee to help sort out the public interest aspect of large bank mergers.

The Senate committee tabled its report last December and the House committee tabled its report last week. Both committees agree that mergers are a legitimate strategy for banks. Now the Minister of Finance has stated that he will take a full 90 days to review the House report, which is only 16,000 words in length.

Why will the finance minister's review take so long? Is that not simply another attempt to delay bank mergers until the Prime Minister, who is opposed to bank mergers, leaves office?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Prime Minister does not intend to leave office in 90 days, so the Honourable Minister of Finance, who has indicated he requires 90 days to review that particular study, is not making an unusual determination. By the time that report is sent to the bureaucrats with whom he would want to discuss it as well as to people in the community, I think a 90-day study period is legitimate. Let me repeat: There is no intention on the part of the Prime Minister to be gone within 90 days.

BANK MERGERS— REASONS FOR REQUESTING REVIEW

Hon. Donald H. Oliver: Honourable senators, all the banks have been asking for clarity. One banker, Mr. Ed Clark of the TD, said he believes that federal politicians are afraid to approve a bank merger because they think it will unleash a wave of deals, leaving Canada with just a few financial institutions. He said:

I think, deep down, what's bothering the government is they can't quite see their mind around how many financial institutions, ultimately, they want...so they have a fear that if they open it up, they'll end up with fewer than what they think will provide service to the Canadian consumer.

Now, the finance minister will delay even further, by another 90 days, that clarity the banks are seeking. I have to know why the government asked the House and the Senate to prepare those reports in the first place? Why did the government take the time of both the Senate committee and the House committee when there was no intention to move quickly on the issue of clarity for banks to merge? What was the real reason?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the real reason was that the Honourable Minister of Finance wanted to hear from senators in this place and members of the other place with respect to issues impacting on mergers. He has now heard that it is a legitimate activity in the mind of both the House of Commons and of the Senate. Of course, as the Minister of Finance in this country, he also has to be extremely concerned about service to the Canadian community. Mr. Clark, I think, has identified a clear and ongoing concern.

Regarding the issue of 90 days to review a report, given that my honourable friend and I have been in politics as long as we have, he and I know that it often takes years for governments to review a report. I think the admission that it would be done in 90 days is nothing short of miraculous.

• (1400)

BANK MERGERS—POLITICAL PROCESS

Hon. Marcel Prud'homme: Honourable senators, I have the honour of being a member of the Banking Committee, even though for me it was, after 39 years, quite a change of mentality. I will probably table amendments to the report. The report was not unanimous, although the press said, "The Banking Committee said the following." I went along to create a consensus, but there are major disagreements in my view, after having listened attentively. I share very much what the minister just said.

I also believe that we should not hurry and that any change should come in the next government. I said that to the president of a bank. Imagine me, talking to the presidents of banks. Strangely, he agreed with me that the rules should be clear. Personally, I do not believe, nor will I ever accept that we completely eliminate the political process, whether it be senators elected to the banking committee, or even the minister. I know the

pressure that can come from lobbyists. They would prefer to go in their little clubs and then say, "It is done, and to hell with the members of the House of Commons and the Senate." I do not approve. I do not agree, and —

Some Hon. Senators: Question!

Senator Prud'homme: I hope the minister will refer my point of view to the Minister of Finance before he takes his report into consideration.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his intervention. The issue here is clear: Two studies have been done. I think the honourable senator is correct. That was the proper process to follow. Elected members of the House and members of this chamber should have been consulted. They should have been canvassed for their ideas. The minister now has those ideas and clearly they will form a particularly significant part of his final decision.

NATIONAL DEFENCE

PERSONNEL AND EQUIPMENT SERVING IN PERSIAN GULF

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. I am pleased now to know that, by way of definition, review within 90 days would be miraculous. I would hate to ask what that says about the Sea King replacement project.

Honourable senators, a week ago, it was reported that our Aurora maritime patrol aircraft in the Gulf were feeding the Americans direct intelligence on Iraqi naval movements. This week, the government has admitted that there are, in fact, 31 Canadian soldiers in harm's way. Today, we find out that a U.S. central command spokesman stated that Canada is searching vessels for Iraqi government officials attempting to flee the country. If this is support of the U.S.-led coalition, could the minister so indicate and, perhaps, get quickly to Minister Graham the note that we are doing our best?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator has indicated, there are, in fact, 31 members of the Canadian military serving in the area at the present time. The vast majority of those are not in Iraq itself. I made that statement yesterday and I reiterate it today. However, there are some, who have been identified, as the honourable senator knows, in major Canadian newspapers, who are serving with either British units or American units. They are not engaged in active combat.

In terms of the honourable senator's question concerning the vessels, we have now, with the arrival of HMCS *Iroquois* and HMCS *Fredericton*, five ships. There may be six vessels there at the moment, but we will be moving one of them out on the basis of the rotating schedule for ships in the Persian Gulf. They have one function and one function only in their capacity in the war against terrorism, and their inspections of troops or individuals is directly related to the war on terrorism. That is what they were sent there to do.

PERSONNEL SERVING WITH COALITION FORCES IN
PERSIAN GULF—INVOLVEMENT OF JTF2

Hon. J. Michael Forrestall: Honourable senators, I appreciate that response. We will see how things unfold.

Could the minister indicate whether or not the government is providing any other assistance to the U.S.-led coalition? If it is, would any of that assistance involve JTF2?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell the honourable senator opposite that JTF2 is not engaged in that endeavour, to my knowledge. The Canadian government made a decision that they would not participate in the war in Iraq. However, several weeks before that, we renewed our commitment to the war against terrorism and, as the honourable senator well knows, the planning is ongoing for troops to go to Afghanistan in August.

FOREIGN AFFAIRS

WAR WITH IRAQ—EXPLANATION FOR
ATROCITIES BY IRAQI TROOPS

Hon. J. Michael Forrestall: Honourable senators, I would like to get into what we will do after the war and who we will send there to provide peacekeeping or other support.

Can the minister indicate whether or not the Minister of Foreign Affairs has called the resident Iraqi diplomat to his office as of yet to demand an explanation for the reported Iraqi war atrocities? Additionally, has the Government of Canada demanded an explanation for the desecration of the Commonwealth war graves cemetery that is the final resting place of 1,123 Canadians, and if not, why not?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, the Iraqi diplomat has not been invited to meet with the Minister of Foreign Affairs.

In terms of war atrocities or the desecration of war graves, I would hope that neither has occurred. We will have to await clearer evidence, I believe, of a great many things that we are hearing and seeing on a daily basis on television and reading in newspapers. All too often, what we read one day or even see one hour is repudiated the next. I think we should be careful not to rush to judgment on any of these issues.

NATIONAL DEFENCE

SOUTH KOREA—PERSONNEL SERVING
WITH UNITED STATES FORCES

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. I am shifting to another part of the world. There are approximately 37,000 U.S. troops stationed in South Korea, an area where a game of brinkmanship between North Korea and the U.S. continues unabated. There are also estimated to be 100,000 U.S. citizens in the country, either business people or tourists. If the brinkmanship between the U.S. and North Korea reaches a flash point, 1 million people could be at risk in the first days of the ensuing conflict. Do we have any Canadian soldiers stationed in South Korea, serving in an exchange program with U.S. forces?

Hon. Sharon Carstairs (Leader of the Government): I must suggest, honourable senators, that I have no knowledge whatsoever about Canadian troops serving in South Korea with American forces. As I indicated earlier, we have a policy of exchange that has been going on for many decades, so it is, indeed, possible that there are some Canadian troops there. However, I will have to verify that information and get back to the honourable senator.

FOREIGN AFFAIRS

SOUTH KOREA—CANADIAN CITIZENS
VISITING COUNTRY

Hon. Norman K. Atkins: Would we have any estimate as to how many Canadian business people or tourists we might have in South Korea at this moment in time?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we would not have any estimates of the Canadian business people, or even visitors, unless those individuals had made contact with the Canadian embassy. Because South Korea has not been designated, at this point, an advisory area, most would not register in that way. Any figures I can provide to the honourable senator might be woefully inadequate.

TRANSPORT

AIR CANADA—GOVERNMENT REVIEW
OF VARIOUS CHARGES

Hon. Leonard J. Gustafson: Honourable senators, my question is about the current situation with respect to Air Canada. It appears now that the government bail-out will not have to take place. That said, reports in the media indicate that the government will be initiating a review of all airline taxes, security charges, user fees, and rents to see what else can be done to help the Canadian airline industry. Could the Leader of the Government in the Senate please provide us with more information as to the scope of the review?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government never had any intention of bailing out Air Canada. Certain discussions were ongoing with Air Canada with respect to what the government might be able to do for Air Canada, but a bail-out is well beyond what could be used as a phrase to describe those discussions.

• (1410)

The rents on airports have been reviewed. I anticipate that the results have either been reported to the Minister of Transport or will be in short order. User fees were already examined last fall, which is exactly the reason why the user fee on a one-way ticket was reduced from \$12 to \$7.

Senator Gustafson: Honourable senators, the plight of the Canadian airline industry and the government's role in it cannot be considered merely within the context of the current problem that Air Canada is experiencing. There are other issues, such as the broad range of government taxes, security charges and various rents that place an onerous burden not only on Air Canada but also on other airlines.

As part of any government proposal to help Air Canada, what is the likelihood that the government will consider a reduction in the various taxes and charges that travellers and airlines must pay?

Senator Carstairs: Honourable senators, we have already seen a substantial reduction in the security fee, as I just indicated, from \$12 to \$7. The rents that airports are required to pay, which they then pass on by way of fees, have been under review for some time and I expect the report on that soon.

As to Air Canada's particular difficulties, I recommend that the honourable senator listen to and read the testimony of many transportation experts who believe that the problems are far broader than the problems the honourable senator has identified.

Senator Gustafson: Honourable senators, as the airline industry is entering into one of the busiest periods of the year, could the Leader of the Government in the Senate please inform us how tight the timelines will be for the government review of airline charges, taxes and rents? In other words, is the government acting with any sense of urgency with regard to this situation?

Senator Carstairs: Honourable senators, although this would traditionally be a very busy season, there are a number of factors impacting air travel today, not the least of which is SARS, which I discussed earlier in Question Period, and also the war in Iraq. These unfortunate events may result in this not being the busiest season for airline traffic, particularly to destinations outside Canada.

Government reviews are ongoing, and the government is fully aware of the difficulties faced by Air Canada. A committee is undertaking a review of conditions for transport. I assure the honourable senator that any review of rents and user fees will take the entire airline industry into consideration and not only Air Canada.

AIR CANADA—ALTERNATIVE SERVICE

Hon. Leonard J. Gustafson: Honourable senators, is the government considering an alternative to Air Canada? This is a vast country and it certainly needs an airline, and the other airlines are not very large. Is the government considering any alternative?

Hon. Sharon Carstairs (Leader of the Government): If the honourable senator is asking whether the Government of Canada is going to go into the airline business again, the answer is no.

Senator Gustafson: Honourable senators, that was not my question. I am wondering whether the government would entertain bringing in American Airlines to deal with the situation. After all, one cannot walk from Regina to Ottawa.

Senator Carstairs: Honourable senators, I would suggest that the American airline industry is in as much, if not more, difficulty as Air Canada. I am not sure that airlines in the United States are looking to expand at this time.

FOREIGN AFFAIRS

WAR WITH IRAQ— POSSIBLE SPREADING OF CONFLICT

Hon. Consiglio Di Nino: Honourable senators, in news reports today, Israel claimed that the Syrian-backed Hezbollah terrorist group fired anti-aircraft shells into Israel, this at a time when the Syrians are helping Iraq in the war against the U.S.-led coalition. Israel responded by warning Syrian President Bashar al-Assad of the might and force of the Israeli army. The shelling of Israel can be interpreted as an attempt by Syria to embroil them in the Iraqi conflict and thus potentially spread the conflagration throughout the Middle East.

Yesterday, in response to my question on Syria, the minister responded that Canada would very much regret the spread of the war beyond the Iraqi border. Surely, the Canadian government can do more than passively regret if the Iraqi conflict spreads. Does the minister not think it is time that Canada take some proactive steps to try to stem the spread of this conflict?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, one of the dangers of war on any front in the world is that what may begin between two or three parties can escalate, engaging other parties. That is what I was referring to yesterday when I indicated that the Canadian government hopes that this will not happen.

Hezbollah has been conducting terrorist activities for some time in Israel. I do not think one should take one more incident as escalation of a war between two neighbouring countries.

Senator Di Nino: Honourable senators, surely the minister would agree that if Canada can play a role at this time, particularly in light of the position it has taken vis-à-vis the Iraqi war, it would be its usual respected role of intermediary and peacekeeper. Be it in Iraq or in North Korea, some of us believe that we should be working with the United Nations, our allies and the stakeholders in these conflicts, to attempt to bring some sense to the situation that exists today. This is what I am asking. This is what I believe the Government of Canada should be doing.

I am asking the Leader of the Government in the Senate, as the minister responsible to the Senate: Is the Canadian government doing that? If not, why not?

Senator Carstairs: Honourable senators, the Canadian government is an active member of the United Nations, and one of the fundamental reasons we have remained out of the war with Iraq is our commitment to the United Nations. The reality is that Canada is very concerned about what is going on in North Korea and what could potentially be going on in Syria and Iran. The Government of Canada will do whatever it can to avoid the spread of this war.

RESPONSE BY GOVERNMENT TO CONFLICTS

Hon. Consiglio Di Nino: Honourable senators, I thank the minister for her answer. However, I would like a more specific response from either the minister herself or from her cabinet colleagues, on how the Government of Canada is addressing these situations.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator will have to put a little faith and trust in the government. I realize that is difficult, given where he sits in this place, but having a little faith and trust in the Government of Canada, under the very capable administration of the Right Honourable Jean Chrétien, will ensure that Canadian values will continue to be represented worldwide.

THE SENATE

INQUIRY ON LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS—ALLEGATIONS OF CORRUPTION BY MULRONEY GOVERNMENT

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government in the Senate. Yesterday, during the course of his comments on the legacy of waste in the Martin-Chrétien years, Senator Bryden said:

That was the deal cancelled by Prime Minister Chrétien, which under our examination showed hard evidence of the waste, corruption and cronyism that was rife in the Mulroney Tory government, particularly during its dying days.

That is an excerpt from page 1117 of yesterday's *Debates of the Senate*.

Unfortunately, Senator Bryden was not willing to respond to questions that might have clarified his remarks. In any event, Senator Bryden claimed that there was hard evidence of corruption. This is a serious charge of criminal wrongdoing that now forms part of the record of the Senate.

• (1420)

It is important that we clarify the steps the government has taken during the last nine years to ensure that this hard evidence has been dealt with properly.

First, would the Leader of the Government in the Senate tell us on what date that hard evidence was sent to the RCMP or to any other police force for investigation?

Second, what was the hard evidence of corruption? Will the Leader of the Government table that evidence in the Senate today? Without any wish to compromise a possible investigation, will the Leader of the Government inform this chamber if the RCMP or any other police force undertook an investigation on the basis of the hard evidence supplied by the government and if that investigation has been resolved? Did the RCMP or any other police force lay any charges? If so, when and what was the outcome of criminal proceedings?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have a very challenging job. I must represent every single minister of the Crown in this place. It is a challenge. I do not, however, have to represent the views of every single senator

in this chamber. Honourable Senator Bryden is quite capable of defending Senator Bryden. I welcome the opportunity for Senator Stratton to put those questions to Senator Bryden. However, to question me on what a senator may or may not have said in this chamber is not within my mandate.

Senator St. Germain: It was character assassination; he was a coward not to answer!

Senator Stratton: Honourable senators, those were fairly serious charges that were placed on the record by Senator Bryden yesterday. They need to be clarified. As Senator Bryden is not the chair of a committee and this was not done through a committee, he should be requested to answer, through the minister, to us, in this chamber, those questions that I posed.

What is the hard evidence of the corruption in the Mulroney Tory government to which the senator referred? Will the Leader of the Government in the Senate inform us as to the specific category or categories under which the hard evidence fell? Specifically, which offence or offences did that hard evidence point to and who were the individuals within or outside government to whom the hard evidence applied? When and how did that hard evidence come into the hands of the government?

I realize the leader cannot answer that question, but I think Senator Bryden owes this chamber a response, through the minister, to those questions.

Senator Carstairs: Honourable senators, with the greatest respect to Senator Stratton, I am not responsible for the statements made by senators.

WAR WITH IRAQ—REQUEST FOR BRIEFING BEFORE FOREIGN AFFAIRS COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, I had a supplementary question. I told my honourable friend that I had a supplementary question but he went ahead and asked his question. I wanted to follow on Senator Di Nino's question with a short supplementary question.

The Hon. the Speaker: Perhaps you could ask for leave. Our time for Question Period has expired.

Senator Prud'homme: I was short-circuited by my friend Senator Stratton. I have a very short question.

The Hon. the Speaker: I gather you are anxious to seek the leave of the chamber to proceed?

Is leave granted, honourable senators, to extend the Question Period for Senator Prud'homme's supplementary question?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am prepared to allow Senator Prud'homme to put his question today. He was clearly prevented from putting that question because Senator Stratton wanted to put his question. However, I am not prepared to have Question Period extended beyond the question of Senator Prud'homme.

Senator Prud'homme: Honourable senators, Senator Di Nino asked a very precise question. He is a member of the prestigious Standing Senate Committee on Foreign Affairs. I continue to ask the chairman of the committee, who is not here temporarily — I do not want to go against the rules — to schedule a meeting to ask a multiplicity of questions. Would the minister kindly ask the Chairman of the Standing Senate Committee on Foreign Affairs if he, along with the Deputy Chair, Senator Di Nino, would see fit to hold a briefing session where these questions may be asked of the appropriate ministers? It is unfair to put this question to the Leader of the Government in the Senate, who bears the responsibilities of every department.

I know the chairman is the master of his own domain, but I would kindly ask the minister to ask him: In cooperation with Senator Di Nino, his deputy chair, would he schedule a briefing session so that more senators, who are interested in this question, may address their concerns? Ours is the only prestigious committee of the western world that has not seen fit to have at least a meeting on what is happening in the Middle East, where senators could ask all the questions that cannot be put in this chamber.

Senator Carstairs: I thank the honourable senator for his question. However, just as I am not responsible for each individual senator in this place, I am not responsible, nor do I wish to accept responsibility, for directing the activities of all of the committees. It is up to committees to determine what special studies they will engage in.

With respect to bills, I have a specific responsibility, but special studies are the purview of the particular committees.

VIMY RIDGE DAY BILL

REPORT OF COMMITTEE

Leave having been given to revert to Reports of Standing or Special Committees,

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, April 2, 2003

The Standing Senate Committee on National Security and Defence has the honour to present its

SEVENTH REPORT

Your Committee, to which was referred Bill C-227, *An Act respecting a national day of remembrance of the Battle of Vimy Ridge*, has, in obedience to the Order of Reference of Wednesday, March 26, 2003, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

COLIN KENNY
Chair

Observations of the Standing Committee on National Security and Defence on Bill C-227, *An Act respecting a national day of remembrance of the Battle of Vimy Ridge*

Your Committee suggests that the Department of Canadian Heritage develop criteria for the flying of flags at half-staff, and criteria for the addition and deletion of occasions that the flag may be flown at half-staff on the Peace Tower for future guidance. Your Committee may subsequently seek authority from the Senate to review these criteria.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Poulin, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, we have with us a page visiting from the House of Commons, who I would like to introduce.

Miss Kali Prostebby is enrolled in the Faculty of Social Sciences at the University of Ottawa and is majoring in psychology. She is from Red Deer, Alberta.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

SPECIFIC CLAIMS RESOLUTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Bacon, for the second reading of Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts.

Hon. Terry Stratton: Honourable senators, I rise today to join in the debate at second reading of Bill C-6, the specific claims resolution act.

I wish to thank the Honourable Senator Austin for leading off the second reading debate and for his historical review of the development of the specific claims process and his almost kind remarks about improvements brought to the system by the previous government. We were given credit for beefing up the human and financial resources committed to the claims process.

There is a significant history to this process and the role envisioned for the commission and tribunal in that process. "Specific claims," as opposed to comprehensive claims, deal with grievances over Canada's alleged failure to discharge specific obligations to First Nations groups, usually in relation to treaty rights or undertakings given by the federal Crown.

• (1430)

In 1983, the problems with the process for dealing with specific claims were the subject of comments in the Penner Report on Indian Self-Government. There was a strong recommendation that a new claims policy be developed through negotiations between Canada and First Nations. The report considered it "imperative that the new process be shielded from political invention" and proposed that legislation provide for both a neutral party to facilitate negotiated settlements and a quasi-judicial process for instances of failed negotiations.

A 1990 report to the House of Commons Standing Committee on Aboriginal Affairs noted that the process should be managed or monitored by a body or bodies independent of the Department of Indian and Northern Affairs and the Department of Justice.

In 1996, the final report of the House of Commons Aboriginal Peoples Committee recommended the establishment, by statute, of an independent Aboriginal lands and treaties tribunal which, in the area of specific claims, would review federal funding to claimants, monitor negotiations, issue binding orders and adjudicate claims referred by claimants, providing remedies where appropriate.

In response to all of this, let us examine what has happened.

The Indian Specific Claims Commission was established virtually as an interim step on the way to a new independent process. This new process was to be designed by a joint Canada-ABN working group. After a number of years of work, this body set out, in 1998, a draft legislative proposal for a reformed specific claims process. Its key features were: the elimination of Canada's conflict of interest through an independent legislative mechanism to report directly to Parliament and First Nations; the establishment of both a commission to facilitate negotiations and a tribunal to resolve disputes in case of failed negotiations; a tribunal authority to make binding decisions on the validity of claims, compensation criteria and compensation awards, subject to a budgetary allocation of settlement funds over a five-year period; the definition of issues within the jurisdiction of the commission; the independent funding for First Nations research and negotiations; and a joint review, after five years, to include consideration of outstanding matters, such as lawful obligations arising from Aboriginal rights.

This was the model legislative initiative that Bill C-6 was to be built upon. The question is, what happened? Instead of this model, we have a bill before us wherein the following six conditions exist: The appointment process for the commission and the tribunal maintains the conflict of interest that Canada has, as the federal government is the sole appointing

authority; the tribunal's decisions may be appealed to the courts; there is a cap on the dollar amount of claims to be dealt with; the review of the entire process is only by the federal government; there is no incentive for the federal government to move this claims settlement process along in a timely fashion; and, lastly, the types of specific claims subjected to this process are severely restricted.

Honourable senators, I would like to elaborate on these issues. Under the present system, Canada is already the judge and jury. Bill C-6 retains this concept and adds elements to this conflict. The federal government retains sole authority over appointments to the commission and tribunal and retains authority over processing the claims, which undermines any concept of independence. Appointments are made on recommendation of the minister, the same minister responsible for defending these claims. Obviously, this system is ripe for political patronage considering that the commission appointees have no qualification requirements.

I have a concern, though I have not seen this expressed elsewhere, that the tribunal representative from Quebec should be required to sit on cases from Quebec. This is not set out anywhere. As well, I would like to think that the chief adjudicator and the vice-chief adjudicator roles should alternate between Quebec and the common law provinces.

The inherent delays in the process are exacerbated by the possibility of judicial review. Bill C-6 permits the minister to "consider" a claim indefinitely at an early stage in the process. There are no time limits that must be obeyed. No independent body has the authority to say, "Enough is enough." The claim goes on to the next stage, as it were.

A claim may have to go through an elaborate series of distinct stages and steps before compensation is ever paid. For example, a funding application is made by the Indian group. There are then initial preparatory meetings, followed by ministerial consideration and then mediation. There may be further delays while the minister considers an amendment that the claimant could make to the initial claim. Then there is an application and a hearing to convince the commission that mediation has been exhausted. Then there is a hearing in front of the tribunal to determine compensation. Then there is mediation to deal with compensation. Then there is an application and hearing to determine mediation has been exhausted. Finally, the proceedings are held in front of the tribunal but a five-year delay follows while the award is paid out. There is also the possibility of a judicial review of the award. That is quite a comprehensive list.

On top of that, the \$7-million cap makes little or no sense. The Indian Claims Commission has advised that, of the 120 specific-claim hearings they have overseen, only three were valued by the claimants at less than \$7 million. The projections provided by the government are based on settlements made some time ago. As well, the Indian group advancing the claim must waive the amount it believes it is entitled to over \$7 million, if the claim is to proceed.

The definition of the claims which may come under the act is too limited. It does not include unilateral undertakings by the federal government to provide lands or assets. In fact, it could be argued that the system established under Bill C-6 is worse than the current system, even with the current system's inadequacies. The current system allows for all claimants to obtain a public investigation and report on their claim from the Indian Claims Commission. The commission can investigate and report even if the federal government does not agree.

Most claims will be above the \$7-million cap. Also, since there is no intention to increase the funding for this process, the process will still take a great deal of time. If the government is serious about resolving these problems, it would consider a significant increase in the financial resources dedicated to the resolution of specific claims.

Honourable senators, this is one of three bills presently in Parliament dealing with Aboriginal issues. I am concerned that by not dealing with them together, we may be doing a disservice to Canada's Aboriginal peoples. However, leaving that argument aside, we will have to look at Bill C-6 very carefully in committee. I hope the government will be more flexible concerning the acceptance of amendments here in the Senate than it was in the House of Commons.

We will have to seriously consider amendments that will change the appointment procedure to give First Nations involvement in this process. The cap will have to be lifted. Timelines for processes will have to be established. The review of the effectiveness of the bill must be carried out jointly by Canada and the people of our First Nations.

Everyone in this chamber recognizes the fiduciary duty owed by the government to First Nations. This bill must reflect the elements of that fiduciary duty. I look forward to further discussions on this bill in comprehensive committee hearings.

Hon. Gerry St. Germain: Would the Honourable Senator Stratton accept a question?

Senator Stratton: Yes.

Senator St. Germain: Yesterday, Senator Austin, the sponsor of the bill, asked a question about the timelines that I was discussing, following which I studied the matter a little further. It seems our native people are most concerned that in a situation with no time constraints, the legal profession may procrastinate and delay. The costs could become exorbitant.

I am sure Senator Austin fully understands that concern being that he is a member of the legal profession — not that he would ever do a thing like that. Does the honourable senator feel that is a legitimate concern in the eyes of our Aboriginal peoples?

Senator Stratton: I thank the Honourable Senator St. Germain for the question. Yes, indeed, I think that is a real concern. It is one of many concerns. The other particular concern is the cap. I described the process that we believe must be followed with this new bill. We can see how complicated the situation becomes. That, by itself, takes time and stretches out the process inordinately.

• (1440)

Hon. Jack Austin: Honourable senators, I have a question for Senator Stratton, although I am not sure he has the answer. The argument about the Aboriginal community participating with the Crown in the appointment of these administrative officers in the commission and the quasi-judicial officers in the tribunal was very much at large in 1991, when the Mulroney government considered the matter. Is my honourable friend aware of the position taken at that time?

Senator Stratton: Honourable senators, I can imagine what the answer is. No, I am not, and I imagine it would be the same here. The difference is that that was 1991, and it is now 2003. The act was imperfect back then, and the incorporation was imperfect, but at least it was a start. There does not appear to have been an improvement over the process back then. Aboriginals are really concerned about how complicated the process is to look after a claim. It is not a simple process, by appearances, unless the honourable senator can tell me now that it is a simple process. There are time constraints, and the cap will be lifted.

I will throw this back at my honourable friend: How can he give assurances to Aboriginal people?

Senator Austin: Let me ask the question in this way: Give me an example where the Crown has been willing to share, with any group in society, its authority to appoint members of a government body? This is a prerogative of governance. This authority is not shared in the appointment of judges in Canada, and those judges make rulings at the expense of and against the Crown. I hope the honourable senator is open to further evidence in consideration of his arguments on the appointment process.

Senator Stratton: Honourable senators, if you examine the bill I have on the Order Paper, it goes to the selection of judges, senators and Supreme Court justices. We are in a new century. It is about time that the people of Canada became involved. Forget about precedents. This is a new generation, a new era, and it is appropriate for the Aboriginal people to have input as to who will look after their claims.

Hon. Serge Joyal: Honourable senators, I should like to share with you a number of reflections in relation to Bill C-6. I will try to be brief. I understand that, as sponsor of the bill, Senator Austin would like to see this bill referred to the appropriate committee for further study.

Bill C-6 is very important because it deals with one of the key sections of the Constitution, section 35 dealing with Aboriginal rights. It states:

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indians, Inuit and Métis peoples of Canada.

We in this chamber, in my humble opinion, have a specific responsibility in relation to Aboriginal peoples. In fact, we are a privileged chamber on several accounts. We are the only legislature in Canada at the provincial and federal levels and in the other place across the hall whereby we benefit from

the presence of six Aboriginal senators. That means that in our daily dealings with legislation, debates and decisions, we have the capacity to maintain that the Aboriginal peoples of Canada are an essential element of the responsibility that we have to protect minority rights in Canada.

Another element of our unique position is that, by our very nature, we are the federal House of Parliament. That has a meaning and a bearing on our responsibility. It means that each of us is entrusted with the responsibility of testing legislation with the federal principle. What does that mean? It means that when legislation is brought forward, this one in particular, we are called upon to measure the role of the federal house in relation to the Aboriginal peoples of this country.

How do we protect the Aboriginal peoples in the Constitution of Canada? We did not have that specific responsibility in relation to the Aboriginal peoples in 1867. This responsibility is very recent. Why? Because 20 years ago we recognized for the first time that our Aboriginal peoples have rights.

My concern with this bill is that it deals only with status Indians. The definition in clause 2 of the bill indicates that a First Nation means "a band as defined in subsection 2(1) of the Indian Act." Even though it is a limited definition, as Senator Austin has said in his speech, there are more than 600 outstanding claims.

I bring to the attention of honourable senators that this bill does not deal with non-status Indians, nor does it deal with Metis people. This is important to remember, and I am here thinking of Senator Chalifoux and Senator St. Germain. Only 10 days ago, the Supreme Court of Canada heard a case from a Metis citizen from Ontario appealing for his historical Aboriginal right to hunt.

It may seem easy to determine the constitutional rights of a treaty Indian because, as my colleagues will remember, treaty Indians are protected by the Royal Proclamation of 1763. When the British Crown issued the Royal Proclamation, they clearly recognized the rights of the status Indian, Indians who had a treaty with the Crown. Those rights were protected and have been protected since 1763. We are dealing, in this bill, with those rights — the rights of the status Indians.

However, the claims and the rights of the Metis people, the largest number of Aboriginal people in Canada, according to the last census, are not covered by this bill. It is important to remember that because, as Senator Stratton has mentioned, the Crown has a fiduciary responsibility for the Indians. That means that we are in a very difficult position — almost a contradictory position.

• (1450)

On the one hand, the Crown has to protect Aboriginal people. On the other hand, the Crown rules in the interests of the majority of Canadians. Guess where the interests of the majority of Canadians lie? They lie in the way that the Indian Acts have been implemented in the last century. We all know the problems. Senator Austin alluded to them in his speech. The problem that

we have essentially, and as pointed out by Senator Stratton, is to ensure that when Aboriginal people try to establish their claim, they are assisted by the Crown in a very peculiar way.

The decision of the Supreme Court of Canada in *Sparrow* indicated that the onus to establish an Aboriginal right lies with the person claiming the right. It means that the Aboriginal peoples have the onus — the responsibility — to establish their rights, and we as the fiduciary of the Crown have a certain responsibility to help them argue for their rights.

The second difficulty, which is found in the same decision, is that each community's Aboriginal rights are history- and site-specific and must be determined on a case-by-case basis. I repeat: are history- and site-specific.

This is very important because it means that we have to establish the historical link of an Aboriginal community with the specific site that that community has been on for a certain number of years, because we are talking about historical roots. In exercising their rights, they have the onus to prove that. How does one prove one's rights in a cultural tradition that is essentially oral? We have seen Senator Milne trying to establish the importance of genealogy through Statistics Canada amendments. She was able to do so because we have records. It is easy to go to determine a genealogy because we have records. When one deals with Aboriginal people, there are no such records. If you buy a property, you go to the registry house and you register your deeds. However, the Aboriginal people never had such a system.

When we put upon Aboriginal people the onus to establish that they have occupied a site for 200 years, we can immediately imagine the responsibility and the difficulty of the task. That is why I think, as mentioned by Senator Austin, that in the bill proposed there be a centre to monitor the historical research. If we leave with the Aboriginal people the onus to establish solely their link with a site, we put upon them an almost impossible proof to establish. This is essentially a link to our own responsibility to facilitate for them the proof of their claim.

Therefore, we are in the contradictory position, as Senator Austin has said, of being judge and jury, of being prosecutor and defender, of playing the part of the appellant and the respondent at the same time. That is why this issue of claims is so difficult to resolve.

This bill, as mentioned by my two colleagues who took part in the debate, is very important for the future of the status of the Aboriginal people. As I mentioned, this bill does not settle at all the case of the Metis people. They have been fighting in the Ontario court as they are fighting now in the Supreme Court just to establish their Aboriginal rights to fish and hunt, and there is uncertainty about even that right. That is essentially what the Supreme Court will have to decide. I invite honourable senators who have an interest in the subject to read the factum of the two parties, the Department of Justice and the Metis people, and they will see how much the definition of concept needs to be broadened in order to address in a comprehensive manner the resolution of the claims of the Aboriginal peoples of Canada.

Honourable senators, 20 years ago, my colleagues, Senators Smith, Austin and Kinsella, were all arguing to put section 35 in the Constitution, and especially to add to the definition of Aboriginal people, non-status Indians and Metis people. We have a very limited idea of the interpretation of those concepts and those rights.

I would like to refer my colleagues to the *Sparrow* case of the Supreme Court and to other cases that have tried to define the rights of Aboriginal people. We are still in the process of labouring to understand the concept of Metis rights. As Senator Stratton has mentioned, we have other bills, such as Bill C-7, the governance of the Aboriginal people. That bill has not yet come to this house, but we know it deals with Aboriginal governance.

We know the problem of the definition of sovereignty of the Aboriginal people. This is a very difficult concept that is still being debated and studied by the highest court in the land.

Honourable senators, I hope that this bill is a step in the right direction to reconcile our fiduciary responsibility. As I mentioned, we have six Aboriginal senators in this chamber. It is difficult for me as a senator to accept that we leave to the Aboriginal people the onus to defend themselves when we know that the onus of the system tilts in the other direction. We as a federal chamber have a peculiar responsibility to try to understand and reconcile the situation in which they are the object of what we put in the Canadian Constitution 20 years ago with their right to have a place in Canadian society whereby they can live in the dignity and pride that we all claim in this free land.

Honourable senators, I hope that the committee and our colleagues who will labour over this bill will come back with a report that will convince us that we are doing the right thing at the right time for the Aboriginal people of Canada.

Hon. Lorna Milne: Honourable senators, I have a point of information for the Senate chamber. I wish to ask Senator Joyal if he is aware that, on Saturday, the National Library and Archives of Canada officially opened a new initiative that will highlight the Aboriginal records they hold. They hold a great deal more than most of us realize. They hold records that go back into the 1600s. They are now highlighting them and trying to educate the Aboriginal community itself as to what records they hold.

Senator Joyal: Honourable senators, I was not aware of that, but it fits within the proposal of Bill C-6 that there will be a centre of independent research whereby the Aboriginal people can feel confident that the information they get is real and not managed information. The National Archives of Canada has a reputation as an arm's-length and neutral source of information. It is a good step in the right direction. We must not leave Aboriginal people with the onus to prove their rights when they have no records. We all know the difficulty they have claiming their own artifacts from some museums. Some of us know of those problems. Records are almost nonexistent for many Aboriginal groups, including many of those involved in the 600 claims at stake in this bill.

• (1500)

The news that the Honourable Senator Milne brings to us is a step in the right direction.

The Hon. the Speaker pro tempore: I regret to inform the honourable senator that his time for speaking has expired. Does he wish to ask for leave to continue?

Senator Joyal: Yes.

The Hon. the Speaker pro tempore: Is leave granted?

Hon. Senators: Agreed.

Senator St. Germain: My question will be brief. I commend the honourable senator for his insight into this matter. It is a pleasure to have someone who brings the history of 1982 to the table because, if I recall correctly, Senator Joyal was at the signing of the Constitution, section 35 being part of our Constitution. He mentioned the fact that the Metis and non-status Indians are not part of this bill.

My question to the honourable senator relates to the judge, jury, defence and prosecutor aspect of the bill. I am sure that we will deal with this issue in committee. However, if there is something abhorrent to our native peoples, it is that they do not seem to be able to control their own destiny when it comes to managing issues of critical importance to them. They do not even come close to what we would call "genuine input."

Does the honourable senator foresee a method whereby the tribunal and the commission could reflect a fairer process, without getting into the rhetoric of judges and appointments? I say "rhetoric" because if we get into these other things, we take away from the issue. Does the honourable senator foresee a methodology that would be, in the eyes of the Aboriginal peoples, a fairer process of selecting these individuals?

Senator Joyal: I thank the honourable senator for his question. As I understand the bill, it is a two-level body of decision making: the commission and the tribunal. It is the philosophy of the bill to expect that many claims could be settled at the commission level. When I say at the commission level, I understand it to mean at the mediation level. When we are in a tribunal, we are already in a more formal context. I think we understand those common words.

The important thing is to develop trust. If there is no trust, there is no mediation. Trust in the process touches certain elements. First, they have to trust that the process is fair, that the approach is fair, and that there is a capacity to fully canvass an issue and a capacity to determine what is agreed and what is still in the grey zone. The first step is to establish the historical link, as I mentioned earlier.

Next, there is the capacity to agree on a fair interpretation of what are the grey zones. Then there is the important decision to measure the financial implications. The bill proposes limits, as we know. There is the \$7 million that Honourable Senator Stratton has mentioned.

Fairness and trust in a process rest as much on the shoulders of those presiding over the approach as those involved on all sides. I believe that when there is good faith and a mutual respect and understanding of cultural differences, there is nothing we cannot achieve.

The problem traditionally has been that we have tried to apply non-Aboriginal concepts to the Aboriginal people. The Senate committee chaired by the Honourable Senator Furey is dealing with the animal cruelty bill. An animal, in non-Aboriginal culture, has a place in the order of the world. However, in the Aboriginal culture, it has a different place. What do I mean by that? When one studies the old documents — and I looked into the treaty of 1701 last weekend — there are 39 pictograms of signatures on the treaty. I will have the opportunity to circulate a copy of the treaty in committee. Most of the signatures are through animals: fox, bulls, bears, birds, fish and so on. There are 39 different pictograms. In the Aboriginal culture, there is no pyramid of order of importance in life. An Aboriginal could be an animal and vice versa. They respect the animal at its level, which is contrary to my background or the Judeo-Christian background, where there is God and then men and women, animals, fish, flowers and minerals. We live in a pyramidal system. The Aboriginal people do not live that way.

When we labour to find a solution, we must understand the concept of the world and the culture of the Aboriginal people. When the Aboriginal people have the conviction that the people with whom they are discussing, negotiating and trying to agree understand that the Aboriginal people are fairly appreciated and understood for what they are, there is a possibility of resolution.

However, if we approach that issue with only the concept of the non-Aboriginal system, we will labour a great deal before agreeing on anything. There will be many tensions, and we will have to re-write history the way we have lived it for the last 100 years. I do not think any of us at this point in time wants to rewrite history the way we have learned it. We want to improve history.

If I had the conviction that this bill is not an improvement in our approach to Aboriginal people, honourable senators, I would express to you my feelings and convictions. However, I have listened carefully to the Honourable Senator Austin and the Honourable Senator Stratton, and I think that the approach gives hope that we will make progress.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time, honourable senators?

[Senator Joyal]

On motion of Senator Austin, bill referred to the Standing Senate Committee on Aboriginal Peoples.

[Translation]

BROADCASTING ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Nolin, for the third reading of Bill S-8, to amend the Broadcasting Act.—(Honourable Senator Ringuette).

Hon. Pierrette Ringuette: Honourable senators, I believe this matter has been well discussed in committee, and I therefore move third reading of this bill.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion agreed to and bill read third time and passed on division.

[English]

STUDY ON MATTERS RELATING TO STRADDLING STOCKS AND TO FISH HABITAT

REPORT OF FISHERIES AND OCEANS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (study on matters relating to straddling stocks and to fish habitat) presented in the Senate on March 27, 2003.—(Honourable Senator Comeau).

• (1510)

Hon. Gerald J. Comeau moved the adoption of the report.

He said: Honourable senators, at the outset of my remarks on the third report of the Standing Senate Committee on Fisheries and Oceans, I should like to provide some background. Last November, at a briefing by DFO officials at a Liberal caucus meeting of members of the House of Commons, it came to the attention of all that DFO was considering shutting down the northern cod 2J3KL and the gulf cod 3Pn4RS fisheries. That news sent a shock wave throughout Newfoundland and Labrador.

The following day, the province responded with an emergency debate in the legislature where a resolution was unanimously adopted to create a Newfoundland and Labrador all-party committee. Formally established on December 2, 2002, that committee was comprised of representatives of all political parties in the House of Assembly, members of the House of Commons and all six of the province's senators. Such a committee of parliamentarians, I am told, is unprecedented in the history of Confederation.

After three months of deliberation, the all-party committee reached a unanimous position on an action plan. On March 17, a position paper was presented to the Minister of Fisheries and Oceans. That day, members of both the Senate and the House Committees on Fisheries and Oceans were also briefed by a delegation of the all-party committee. The following week, on March 25, the Senate committee heard testimony from the Government of Newfoundland and Labrador.

As a result of these meetings, your Senate committee endorsed the general principles of the all-party position statement in a report presented in this chamber on March 27, 2003.

When moratoria on fishing were first announced in the early 1990s, people believed them to be temporary closures of possibly five to 10 years, after which they thought they would return to fishing, as had been the norm for the previous 500 years. The moratoria were announced a decade ago. In some areas, fisheries reopened at very low levels, but stocks did not rebuild and they remain at historic lows.

Of the two cod stocks in question — northern cod and northern gulf cod — about 420,000 tons were harvested in the late 1980s. Today, the debate is over whether the current harvest of 12,600 tons is sustainable. In this regard, there are two important considerations.

The first is that a closure of the fishing grounds in question would deliver a devastating blow to the fishing communities. Senator Cook spoke about this yesterday on her inquiry. To repeat a couple of the numbers, some 4,400 fishermen and fish plant workers would be impacted. At the macroeconomic level, it would cost the economy of Newfoundland and Labrador roughly \$35 million in exports and \$43 million in gross domestic product annually. Second, and more important, the closure would be tantamount to giving up without having even tried to rebuild this legendary renewable resource.

As the Deputy Minister of Fisheries of Newfoundland and Labrador said when he appeared before the Senate committee last week, the decision to shut down the northern gulf cod fisheries would be an admission that there is no chance of stock recovery in this generation.

Those who read the all-party report will invariably conclude that many issues were considered, such as the matter of by-catches and the relative merits of the various types of fishing gear on the resource. A large amount of time and effort was spent on such matters as seals and ecosystem relationships between seals, caplin and cod.

Simply put, the all-party committee concluded that shutting down the northern cod and gulf cod fisheries was not advisable. However, while fishing at reduced levels should continue, fishing should be accompanied by measures to begin the process of stock rebuilding. An action plan was therefore submitted to the Minister of Fisheries and Oceans, to be adopted in its entirety.

In fisheries, reaching a united position with people of various political stripes is no small achievement. As already mentioned, the Newfoundland and Labrador committee was able to arrive at a common position with members of the provincial legislature, members of the House of Commons and all six of the province's senators. The federal Minister of Fisheries and Oceans will not be able to dismiss this report out of hand, as was done with the recent Commons report.

Some honourable senators may be surprised to learn that the all-party committee action plan actually includes proposals that have been kicked around for years. Some are similar to the ones made by your Senate committee in reports stretching back to the late 1980s. Had they been adopted when stocks were in better shape, maybe — just maybe — the industry would not be in the position in which it finds itself today.

The Newfoundland and Labrador committee called for an ecosystem approach to fisheries management and more funding for scientific research. Most would agree that the DFO science effort, which has declined over the years, is now severely underfunded. Making matters worse, many fishermen and their organizations are challenging the findings of what science is being conducted. Many reportedly do not believe what scientists and fisheries managers are telling them about the state of the resource, claiming that they have no problem catching their quotas and saying that catch rates are very good. One inshore fisherman, George Feltham of Eastport, recently put it this way:

It makes you wonder why they're cutting [quotas]. Are they trying to get rid of fishermen, or are they trying to rebuild the stocks?

Honourable senators will recall that the fishermen were the ones who warned of an imminent crisis in the Atlantic fishery in the mid to late 1980s. In fact, groups and individuals repeatedly warned your Senate Fisheries Committee back then that an ecological crisis was in the making, that the fishery was at an important crossroads, and that unless fisheries management issues were addressed more intensively and comprehensively, the industry would soon be in serious difficulty. On the science of northern cod, your committee wrote in 1989:

Additional studies are urgently needed not only to increase the Department's knowledge of the dynamics of the individual species and stocks, but also their interaction and interdependencies in the ecosystem.

Three years later, the stock collapsed. This is almost the equivalent of spending no money on science today now to solve the problem of severe acute respiratory syndrome. This is what happened then. We were spending no money to find out what the problem was.

The all-party committee recommended closing the recreational cod fishery throughout the Atlantic region and Quebec, except where there is commercial fishing taking place.

• (1520)

The Senate committee was told not only that there is no room for recreational fishery, but also that there are many questions concerning the control and management of the recreational sector. Misreporting is said to be a significant problem.

Specifically in regard to northern cod, the Newfoundland and Labrador committee recommended the continuation of the so-called index and sentinel fisheries for the essential purposes of gathering scientific information. According to the committee, there is nothing to be gained by removing the valuable presence of those fishermen in the water. How else would DFO know how the stocks are doing?

On the subject of 3Pn4RS gulf cod, the all-party committee wants commercial fishing to continue, but on a limited basis. At issue in the gulf is the manner by which fisheries science is being conducted. This science was described to the Senate committee as not being very good. There are problems with the methodology and surveys as well as a disagreement with catch results. The all-party committee believes that limited commercial fishing can be sustained, but only if other things are done.

For example, gill net fisheries should be transformed into hook-and-line fisheries. This is no small proposal. As many senators from the East Coast undoubtedly already know, the debate over the suitability of various gear types in the Atlantic fishery stretches back over several decades. Your Senate committee examined this subject in detail in 1993 and 1995.

An important component of the Newfoundland committee's action plan is the reduction of high-graded or discarded fish. Let me explain. Honourable senators, a big fish is worth much more on the market than a small one. Faced with a limited amount of fishable quota, fishermen tend to keep the bigger ones or the high-grade to maximize their economic benefits. The smaller fish go over the side, dead. This is a wasteful and deplorable practice that must stop. High-grading and discarding are topics discussed at length in the Senate committee's 1998 report on privatization and quota licensing.

The all-party committee also wants to reduce by-catches of cod and other fisheries, and to protect spawning fish and juvenile aggregations at certain times of the year. While the shrimp fishery is an important economic activity in Newfoundland and Labrador, that committee nonetheless recommended an end to trawling for shrimp in areas where cod spawn and where juvenile fish aggregate. That sensible idea has been around for years. Good ideas tend to bounce back.

Almost 14 years ago your Senate committee recommended that fishing in areas where fish spawn should be severely curtailed. According to Cabot Martin of the Newfoundland Inshore Fisheries Association, NIFA, this proposal "marked the first time an authoritative political body recognized the importance of allowing fish stocks to spawn in peace." I am sure Senator Adams was on the fisheries committee at that time when that marvellous recommendation was made.

The all-party committee also called for the reduction in the size of the seal herd, because seals whether they are harp, hooded or grey seals, are preventing the recovery of the cod stocks. That committee called for seal exclusion zones, areas where seals would be removed to keep them from eating cod.

To put the perennial seal issue in perspective, the debate over whether to shut down the northern cod and gulf cod fisheries involves something like 12,600 tons of fish. Your committee learned last week that DFO science estimates that harp seals alone consume a minimum of 37,000 tons of Atlantic cod. How is that for putting things in perspective about the amount of cod that is allotted to the seals versus the fishery? I repeat: 12,600 tons of fish is being considered for the commercial fishery versus 37,000 tons for the seals.

Seals consume 893,000 tonnes of capelin, which is a major source of food for cod, and they consume 185,000 tonnes of Arctic cod. Today, the population of harp seals off Newfoundland and Labrador is estimated to be between 5 million and 6 million.

In passing, the media reports that the federal government is weighing a proposal to sterilize seals either by chemical means or castration is an interesting concept. In 1989, your Senate committee recommended that DFO substantially increase the level of funding for research on new methods of fertility control of seals. The Senate committee urged that there be a substantial research effort to assist the growth rate of seal stocks and document precisely the losses incurred by the fishing industry due to seals so as to produce irrefutable evidence that a cull is necessary. That was back in 1989, three years before the official Atlantic cod collapse.

The committee did not venture into the subject of castration, but we will have to ponder that prospect more fully. A full-grown male seal is a formidable creature and the prospect of removing the private parts of such a creature would be no small endeavour. If such a program were implemented, I would like to suggest a name for that program, call it the seal neutering and intervention program, or SNIP. I pass that on to think-tank people on Kent Street as a new program proposal. I am sure the Minister of Fisheries and Oceans will say more about this in the coming weeks.

The Newfoundland and Labrador committee called for a prime minister's task force to be created to look into what happened to the Atlantic ground fish in 1992 and to provide a program and focus for stock rebuilding. Not that long ago, the commercial fishery annually harvested 300,000 to 400,000 tons of northern cod and northern gulf cod. What is at stake today is 12,600 tons.

On the subject of northern cod, it must be remembered that, in 1968, before Canada declared a 200-mile limit, some 900,000 tons of fish were strip mined from the ocean. Of those 900,000 tons, the foreign fleets caught about 810,000 tons. Today, the biomass of that stock is a mere 34,000 tons. That is the biomass — the estimated total weight of the stock, not the catch.

Obviously, something catastrophic happened. It is recognized the world over as one of the worst environmental disasters of the modern era.

The Hon. the Speaker: Senator Comeau, I regret to advise you that your time has expired.

Senator Comeau: Honourable senators, I would ask leave to continue. I have but three or four minutes left.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Comeau: Thank you, honourable senators.

In 1993, the Senate Fisheries Committee called for a Royal Commission to advise on how the groundfish should be managed. Ten years later, in 2003, a special task force, as recommended by the all-party committee, is long overdue. It is incredible that after all this time we do not know the reasons why the Atlantic groundfish are not recovering. Nor has there ever been an official inquiry into the reasons why stocks collapsed in the first place.

Our committee members heard the presentation of Mark Butler last year. He said that, since the collapse, there has been never been an honest, open review of what went wrong and how we can fix it without any retribution.

The all-party committee recommended that Canada move toward a Canadian-based fisheries management system for stocks that straddle the 200-mile limit. The House of Commons committee on fisheries and oceans has also been asking for the federal government to take custody of those fish stocks and to withdraw from the Northwest Atlantic Fisheries Organization, NAFO.

Today, an extension of Canada's fisheries jurisdiction into international waters in one form or another is widely supported in Newfoundland and Labrador as a means of resolving NAFO's problems.

In December of 1989, the Senate Fisheries Committee was the first parliamentary committee to recommend such an extension of Canadian fisheries jurisdiction beyond 200 miles. There have been many developments since then. The committee will have more to say on this question of straddling stocks in the coming weeks.

Suffice it to say that the frustration on the part of the Government of Newfoundland and Labrador, its fishing industry, its fishermen and the general public with the problems of non-compliance by foreign fishing vessels in the NAFO regulatory area is not only deep, it is long-standing.

The all-party committee recommended a more sizeable investment in fisheries managements and a moratorium on the commercial caplin fishery until DFO has a better understanding of the relationships between caplin and cod. The all-party committee called on governments to cooperate on designated marine protected areas, MPAs, to assist rebuilding cod.

According to the all-party committee, the feasibility of stock enhancement needs to be investigated. Norway and other Scandinavian countries are investing in cod aquaculture. Members of the Senate committee were recently told:

...people from these countries are in St. John's, Newfoundland, today hiring our expertise and buying our technology.

• (1530)

According to the Newfoundland and Labrador Deputy Minister of Fisheries and Oceans:

If we do not move quickly, we will be left behind in the cod aquaculture industry.

In closing, there are no major inconsistencies between the action plan of the all-party committee and the positions taken by the Senate committee over the past number of years.

The all-party committee rejected the wholesale closure option for the gulf and northern cod fisheries. It also believed that only in partnership with fishermen will stocks be rebuilt. However, as Earle McCurdy, of the Fish Food and Allied Workers' Union, put it recently:

There won't be anyone left to partner with if communities are driven out of existence.

Last night representatives from Atlantic Canada urged our committee members to be sensitive to the issue of inter-generational transfer of licences. It is very important that we have some kind of a fishery out there so that we can look at inter-generational transfers of fishing licences. We should not leave the industry solely to the big corporate interests.

The Senate committee asks the federal government to move immediately to rebuild stocks based on the all-party committee's action plan. Your committee further recommends that a Prime Minister's task force on Atlantic groundfish be struck to identify why stocks are not recovering and to present solutions to ensure stock recovery and conservation.

The Minister of Fisheries and Oceans is expected to hand down a decision on northern and gulf cod later this month. My hope is that the Minister of Fisheries will take into consideration the very sensible, worthwhile and reasoned comments and suggestions made by the Newfoundland and Labrador all-party committee's position statement.

On motion of Senator Cook, debate adjourned.

AMERICA DAY IN CANADA

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."—(Honourable Senator Smith).

Hon. David P. Smith: Honourable senators, this motion stands in the name of Senator Grafstein, seconded by Senator Kirby. The wording of the motion speaks for itself. I need not try to persuade anyone about the importance of the relationship between Canada and the United States.

This is a tense time for our neighbours. Last week I had the experience of being in the United States along with five other members of the Standing Senate Committee on National Security and Defence. We had three meetings with congressional committees. We met with 18 different Congressmen. We had three briefings in the Pentagon, one in the White House, one with the National Security Council, and several others with think-tanks and other groups.

As we headed down there, some of us perhaps expected the meetings to have a bit of a chilly atmosphere. It is fair to say that we were received politely and well. I see Senator Banks here; he was with me as well. The strain evaporated by the end of every meeting and each meeting ended on a positive note.

I mention this because we were required to distinguish Canada's position on the war on terrorism as different from its position on the war in Iraq. We went through the reasons.

Senator Grafstein is in Washington right now as part of the Canada-U.S. parliamentary group with other parliamentarians, holding a number of similar meetings. I know that he will want to speak to this on his return. As this item has reached its fifteenth day on the Order Paper, I wanted to ensure that the item remains on the agenda for Senator Grafstein's intervention.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would take a couple of questions of clarification?

Senator Smith: Yes.

Senator Kinsella: The honourable senator said that, by and large, the committee was met with warmth rather than with frigidity. Was there any indication of hurt feelings there?

Senator Smith: I think there may be some Americans who instinctively think we should be in lockstep with them on every major issue. Perhaps that is understandable. When we went through the reasons why we had not become part of the coalition, by and large they understood quite well. Senator Banks is here and can speak for himself, but I believe all members felt the trip was a worthwhile exercise and that we must keep doing this with our neighbours.

Senator Kinsella: Would the honourable senator tell us whether any of the pre-planned meetings were cancelled by the Americans?

Senator Smith: There were a couple of meetings that could not be held, but that was more due to the scheduling of votes on Capitol Hill. I am told that we held more meetings and met more congressmen this year than did last year's delegation. There is always some element of juggling meetings, but we all came away feeling we had been received quite hospitably. That is not to say there was unanimity on everything we discussed.

Senator Kinsella: In listening to the honourable senator's speech, I was not sure whether he was enthusiastically supporting this motion. Could the honourable senator tell us whether he enthusiastically supports this motion?

Senator Smith: Honourable senators, I am waiting to hear Senator Grafstein's speech and to let him articulate the merits of it. I certainly have an open mind on it.

Senator Graham: Is it uncomfortable to sit on the fence?

Hon. Marcel Prud'homme: Honourable senators, I want this to be very clear. I think there is confusion surrounding the current difficulties with the U.S. I am a long-time and forever friend of the people of the United States of America. I want that to be clear. I make no concession on that. At times I do happen to disagree with their policies, such as Vietnam and others. That has nothing to do with the anti-American sentiment that sadly can be found throughout Canada these days.

People are confusing the issue. I am American, too; we live in the Americas.

I will participate in the debate, but this is my question: Is this not the best way to honour our friends in the United States of America — to give a more glorious celebration on July 4? That is the national day of the United States of America — not of the Americas. We have all gone through our rebellious student times. In the old days every U.S. embassy in the world had the words "American Embassy." They changed it eventually to "The Embassy of the United States of America," including in Ottawa, where they forgot to put it in French. One can see how badly it was done; they added it in after. That is second-thinking.

Do honourable senators not agree that one of the best ways to honour our friends, the citizens of the United States of America, is truly to have a more glorious day, a day of happiness, on their national day, July 4? Then we need not go through with speeches, as sad as they may be on this sad day.

• (1540)

Senator Smith: Honourable senators, I think the honourable senator makes a good point, but I do not think that these things are mutually exclusive. I happen to live in downtown Toronto, but I also have a place in Cobourg on Lake Ontario, one of these big old homes built over 100 years ago. The people from Rochester come over in boats every summer. They usually make sure they are there for both July 1 and July 4, and we celebrate both. It is not unusual to have 100 boats come over from Rochester, which is a great thing.

It is hard for us to understand how traumatic September 11 was for many Americans, and to an extent, they feel sympathetic vibes from us as to what occurred that day.

One of the most moving experiences of my life occurred perhaps 10 days after September 11, when I was in New York City to attend bank board meetings. At the end of our meetings, we went to Restaurant 21, where perhaps some senators have dined before. It is a great restaurant. A waiter, probably in his seventies, was bringing us drinks and appetizers. He stepped out of the room

and another waiter mentioned to me that Joe had lost his son. When he came back in, I went over and put my arm around him. I said, "Joe, I do not know you at all, but would you step outside and tell me what happened to your son?" Joe had made it through the war in Europe. I believe he was from Poland. He came over here and did not have much education. His goal in life was to give his children the things he never had himself. His son had a masters degree. He was working on Wall Street in a top position, making very good money, and he was the pride of this man's life. It was a very emotional conversation. At the end of it, I said, "Did he leave you any grandchildren?" His face just beamed, and he said, "Yes, he did. That is why I am working here tonight, and I will probably be working as long as I can to give them the education that my son had."

Honourable senators, the events of September 11 were so traumatic that I think this motion is certainly worth discussing, and I want to preserve Senator Grafstein's right to deal with it.

Senator Prud'homme: Honourable senators, I like this exchange. People may not know that Senator Smith and I go back to 1960 and the Young Liberals. We never found many things to disagree about, truly — maybe only on international affairs, but they are so irrelevant in human relationships.

Just out of curiosity, these citizens of the United States who cross over to Canada in their boats, do they have to go through customs? I do not have a boat, and I would like to know.

Senator Smith: There is a telephone in the harbour at the marina and a yacht club. There is a direct line to customs. One can phone, and if there is a problem and the authorities need to come over, they will come over. By and large, however, there really is not any scrutiny. I have actually heard that the odd case of wine has come over on one or two of those boats, but I could not speak from firsthand experience, of course.

Senator Prud'homme: Is this telephone on both sides? If Canadians go to the other side, is there the same arrangement, or do they have to go through the very new and severe border procedures?

Senator Smith: I think that depends on where one lands. For years, I had one of these boats and slipped a few people. I finally gave it up because no one would help me look after it. I certainly went over to Rochester and Alexandria Bay, New York, and the Thousand Islands, and they more or less have the same system where someone can phone.

[Translation]

Hon. Jean Lapointe: Honourable senators, in my opinion, an America Day in Canada is an overly sweet way to apologize for not being with the Americans in Afghanistan. In Iraq — excuse me, it happens as we get older, you know. I am like Senator Prud'homme; I get mixed up sometimes. That being said, honourable senators, do you not think it would be more subtle — and the Americans would understand it easily — if we declared September 11 World Anti-Terrorism Day? The message would go over much better. It would look a lot less like a blatant attempt to appease the Americans.

[English]

Senator Smith: Honourable senators, I am sure that Senator Grafstein, in whose name this motion stands, will read Hansard upon his return and take that into consideration. I do not rule that out. I thank the honourable senator for his question.

Hon. Edward M. Lawson: Honourable senators, continuing the debate, the news you were going to get tomorrow, you will get today.

Speaking about Ambassador Paul Cellucci and his speech in Toronto, there is no question that he came to speak directly for the U.S. government and for the people of the United States when he told us how disappointed he was that we were not there standing shoulder to shoulder with the Americans. When he made his speech, he made it with sincerity, with dignity and with professionalism. To the MPs who called for his resignation or that he be returned to America and recalled, all I want to say is that if you want to recall someone or send them home for speaking the truth, you should have an agonizing re-appraisal of your own values. Ambassador Paul Cellucci is a decent man, an honourable man, and a man of integrity.

As a result of these foolish, stupid criticisms that were made and the language that was used, we have damaged our relationship with the U.S. It is a sensitive time in America. There is a war going on and Americans and coalition members are dying. They are very sensitive about that, and so they should be. It is never too late to say you are sorry. It is not a sign of weakness to apologize, and it needs to be done now. That apology can only be meaningful if it comes from the prestige of the Prime Minister's Office over his signature. It should be a simple note to the George Bush reading, "George, I apologize for my staff and my MPs who made those ill-considered remarks. Our relationship is too important, so you have my apology for it." I am not asking very much. The relationship is so important that it needs to be done.

• (1550)

In the same letter he should write, "By the way, I want to thank you for sending an ambassador of the calibre and quality of Paul Cellucci. He has demonstrated that he respects Canada and its people by the very fact that he would come and tell us the simple truth about the feelings of his government and the American people."

I accept that the government has the exclusive authority to decide whether we join the war and the coalition. I accept that. That does not mean I cannot be disappointed. I am disappointed. Some of the military equipment that is being used over there was made in Canada. Could we not have taken a dozen of those and outfitted them as ambulances and sent them over?

In the home province of our. Speaker great buildings on wheels are manufactured. They are used as offices on construction sites and as meetingrooms and first aid rooms. What would it take to outfit 10 or 20 of those as mobile hospitals and send them over? It would not cost very much. It would not affect our reputation as being peacekeeping and as humanitarians. It would, at least, give the appearance that we are not turning our backs on them and that we really care. After they win the war in Iraq, they could use these mobile hospitals in the rebuilding of that country.

It may be dramatic to say it, but we have a tendency to take our relationship with the United States for granted. We live alongside this unguarded border. No Canadian ever goes to bed at night worried that, when he or she wakes up the next morning, this giant military and economic superpower will have invaded us. Not only do we not worry, but we take for granted what Ambassador Cellucci said. There is no security threat in Canada that the United States would not be ready, willing and able to help with. There would be no hesitation. "We would be there for Canada; it is part of our family; and that is why so many Americans are disappointed and upset that Canada is not fully supporting us now."

We take it for granted. When cutbacks in the military required that we move the base at Chilliwack out of British Columbia and ship it to Edmonton, we knew then that we had no military presence in British Columbia. If we had a civil disaster in British Columbia, British Columbians were not too concerned; we knew we could count on the Americans. That happens virtually all across the country.

Think about it. This may be overdramatizing the situation, but suppose we had Saddam Hussein and the Iraqis as our neighbours. If Iraq were short of petroleum for its domestic needs, what would Saddam Hussein do? He would send elite troops over here, take whatever he needs and kill any Canadian who tried to stop him.

With regard to water, I have a home in California, which has had seven years of drought. California uses much of its water to grow fruits and vegetables, which it sends halfway around the world and to Canada. I cannot understand it. We allow trillions of gallons of water a day to go to the ocean. Now, only we will not share. We will not sell a gallon to the United States. We are neighbours. We are a family sharing the same continent. Could we not do that? Could we not do something differently?

A debate is raging now about whether we build the Alaska pipeline first or the one in the Mackenzie Valley? What would be wrong, in partnership with the U.S., with building both? It would improve the economy and create jobs. More important, I would like to send an emissary to see Premier Ralph Klein to say, "How about working with the U.S. on a joint venture to fast track the tar sands?"

An Hon. Senator: Or even the Atlantic.

Senator Lawson: Even that, when this is finished.

One benefit would be that the U.S. would be self-sufficient with petroleum here in North America and would no longer be captive to those OPECers in the Middle East. Why can we not do that? If we are really partners and family on the same continent, why can we not do that? Then we could start construction on a 48-inch freshwater pipeline from British Columbia to California.

It seems to me that that would be a better way of proceeding than what we are doing now, where every issue is a fight, a conflict and so on. It seems a better way of doing things for

people the Prime Minister said were our neighbours, our friends and our family.

I will finish this another time. At this point, if there is no objection, I would move the adjournment of the debate.

The Hon. the Speaker: Some senators are rising to put questions.

Hon. Bill Rompkey: Honourable senators, would Senator Lawson agree that we need to bring some balance to the debate on this issue? I recognize that Ambassador Cellucci is an honourable man and that he was carrying out the responsibilities that he has in what he said, but we need some balance in the debate.

Although one MP made an unfortunate comment, for which she apologized and no doubt regrets, and other people have said things that they regret, I also recall that, after September 11, there were 100,000 people on the lawn here, with no notice whatsoever. Their reaction was spontaneous. One hundred thousand people came on to the lawn of Parliament Hill, with less than 48 hours notice.

When the planes were diverted into Gander, Goose Bay, Halifax and many other places, the hospitality that was shown at that time and the bonds created between Canadians and Americans will last for a long time. They are very real and they have been manifested. I do not know how many schools receive funds from the U.S. as a result of that.

I believe we need balance in the debate. I also recall that, when President Bush made some remarks after September 11, he did not recall that Gander had provided hospitality and he did not recall that there had been 100,000 people on the lawn at Parliament Hill. He remembered that the Mexicans had responded, but he did not remember the Canadians, who are good neighbours, who share the border, share confidences, share family, share business and share many experiences.

It seems to me that we cannot take issues in isolation. We must have a balanced perspective. That is my question.

Senator Di Nino: That is his speech.

Senator Lawson: Honourable senators, Senator Rompkey's question is a good one. When I spoke earlier in the day, I started by referring to the 100,000 who gathered here on Parliament Hill. I said I was never more proud of the Prime Minister than when he said, "At a time like this, we think of the Americans as neighbours, friends and family," and Paul Cellucci then responded. I never felt closer to the U.S.A. than when those two people stood and said those words.

When the Prime Minister first talked about having this little gathering, the security said, "Small building, tight building, keep tight security," and so on. The Prime Minister said, "I did not say a day of hiding. I said a day of mourning. I want it on the Hill for the world to see."

I have the advantage, spending as much time in the United States as I do, of reading many articles in the United States where people indicated how proud they were that the Canadians were here. They have pictures of the 100,000 on the Hill, and they tell stories about how many people turned out. I think it is regrettable and a slight that the President of the United States did not acknowledge that when he made that speech about various countries. That happens. However, better a slight than the kind of words we use.

I do not accept that the Member of Parliament regrets what she said. She went on Mike Bullard's comedy show and said she might do it again. That does not sound like regret to me. That, I find offensive. It is one thing to have the debate before the war started — do we go or not, should we go or not, and all those various reasons. However, the day that the war started was the day the minister made his ill-considered remarks, which were inappropriate. It reflects badly not only on the minister but on the Prime Minister.

(1600)

Now, we have the U.S. representative responsible for joint negotiations on oil, who says, "No, that meeting is off." He does not care to meet with the minister who made those comments. We have a provincial minister in Alberta saying the minister is useless in negotiations. This involves \$50 billion worth of exports, and he has lost his ability to deal with that. The Prime Minister should take him out of the ministry or put him in another portfolio.

It is one thing to say things with courtesy and respect, but not the kind of things that have gone on here.

Then the ambassador comes and makes his presentation. We call our shots from the comfort of over here, across the border. The ambassador to Canada had the courage and the courtesy to make his statement before a Canadian audience in a dignified, respectful manner. Those things are important and, depending on what one is saying, can give less or more impact to what is really said.

I agree with all the things that happened throughout Canada and in British Columbia with the airports and so on, the response of the Canadian people and the thousands who took them into their homes. Every time I talk to Americans, they still remind me of how wonderful our response was on September 11.

Senator Prud'homme: Honourable senators, does the confusion not come from the fact that we always confuse the people of the United States of America with the administration of the United States of America? If a Canadian ambassador in Washington was to very courteously, in the same manner as Mr. Cellucci, say how profoundly disappointed Canada is that, on the question of the Middle East, the United States has used its veto power 36 times out of 72, most of the time. If our Canadian ambassador would have said that in Washington, I can imagine what would have

happened, not only to him but also to our relationship. The confusion is exactly what I say it is. People are confusing the people of the United States of America with the administration.

If a Canadian ambassador — and this is coming back to haunt us — in Washington would have said some years ago how much we profoundly disagree with the CIA overthrowing the government of Mr. Mosaddeq in Iran — what was he doing? He was only nationalizing a national resource called oil. We did that in Quebec with René Levesque and the Liberals. We nationalized electricity. Mr. Mossadeq in Iran nationalized oil in the interests of Iran, and what happened? The CIA overthrew him.

We may have a long list of disagreements with the administration, but that does not mean that we disagree with the people. I went to see some of these colleagues who were mentioned. I told them how difficult it was to agree with them.

Some Hon. Senators: Question!

Senator Prud'homme: Can we make a difference? Second, what would have happened if the Canadian ambassador to Washington had made the same kind of statement?

The Hon. the Speaker: I regret to advise that the time of the Honourable Senator Lawson has expired.

On motion of Senator Corbin, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks, pursuant to notice of April 1, 2003, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit on Tuesday, April 8, 2003, at 5:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators should know the reason for the motion is the appearance before the committee of Minister Dhaliwal and senior officials from his department on a special study being conducted according to the reference of the Senate by the committee.

Motion agreed to.

The Senate adjourned until Thursday, April 3, 2003, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, April 3, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, April 3, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Leonard J. Gustafson: Honourable senators, as the war in Iraq enters its third week, the need to take measures to avoid a humanitarian crisis among Iraq's civilian population should not be forgotten. In this regard, there may be avenues where Canadians must provide leadership.

As the war wages in Iraq and shortages of foodstuffs and medical supplies start to occur, countries with access to resources have a responsibility to help minimize the negative impact of the conflict on the country's population. In this regard, it is my belief that Canada should play a greater role.

In Canada, we have access to plentiful supplies of wheat and other foodstuffs. Canada can also provide medical supplies to the citizens of Iraq. Canada has a proud history in providing humanitarian assistance to people in times of need.

I strongly urge that the Government of Canada find a way where we can be helpful, not just in any post-war period, but also while the war is occurring, in the possible provision of goods and supplies that can help avert needless civilian casualties.

Honourable senators, we surely can send a boatload of wheat and medical supplies.

NATIONAL ARTS CENTRE

ATLANTIC SCENE

Hon. Catherine S. Callbeck: Honourable senators, I rise today to draw your attention to an important event being hosted by the Canadian National Arts Centre. April 22 will mark the start of a festival called the Atlantic Scene. The Atlantic Scene is the first of a series of festivals that the National Arts Centre is holding to celebrate artists from each region in Canada. The festival will last for two weeks and feature 200 artists from Atlantic Canada.

The Atlantic Scene will include musicians from a variety of genre, such as folk, blues, classical and rock. It will feature live theatre, including Canada's longest running musical, *Anne of Green Gables*, and Theatre Newfoundland Labrador's *Tempting Providence*. Dance, visual arts, literature and film will also be an integral part of the festival, as will culinary arts. I was very pleased to learn that chef Tim McRoberts, an instructor at the Culinary Institute of Canada in Charlottetown and co-host of the

cooking show, *Cook Like a Chef*, will be joining Chef Kurt Waldele to demonstrate East Coast specialties.

Various artists will represent the Acadian and Aboriginal cultures of the East Coast. Prince Edward Island's Barachois will share their music and step dancing and a group of Mi'kmaq, Metis and Innu artists will share music, song and dance.

As the President of the National Arts Centre stated, "The Atlantic Scene will provide a unique national showcase for some of the most talented East Coast artists around."

Honourable senators, I am looking forward to attending the festival and I urge all of you to come out in support of the Atlantic artists.

UNIVERSITY OF PRINCE EDWARD ISLAND

GRADUATE PROGRAM IN ISLAND STUDIES

Hon. Elizabeth Hubley: Honourable senators, many years ago, the French-born American environmentalist and humanist René Dubos urged us to "think about global problems" but to "act locally." He believed passionately that local communities, small places, are the source points of social and cultural enlightenment and that the most useful and lasting knowledge was to be gained from life in one's backyard. Global problems, Dubos argued, are conditioned by local circumstances and choices.

More recently, honourable senators, science and nature writer David Quammen, in his book, *Song of the Dodo*, predicted, "we're headed toward understanding the whole planet as a world of islands..."

As a senator representing Canada's smallest province, it gives me great pride to acknowledge the establishment, by the University of Prince Edward Island, of the first graduate program in Canada devoted to a comparative study of the world's small island societies. Dubois and Quammen would certainly be pleased.

The Master of Arts in Island Studies will be the university's first graduate program in arts and is expected to attract students from a wide range of disciplines and areas of interests when it is officially launched this fall.

The master's program is the accomplishment of many. However, it is also the result of the vision and hard work of Mr. Harry Baglolle, Director of the University's Institute of Island Studies.

In addition to other programs and activities, the institute has been conducting innovative and significant work in small island research and, over the past ten years, has published many comparative studies and hosted two major international conferences, bringing together scholars and researchers from such places as Iceland, Tasmania, Malta, Mauritius, Fiji, the Hebrides, and Newfoundland.

With the recent approval of the master's program by the Maritime Provinces Higher Education Commission and the arrival this summer of the world's first research Chair in Island Studies, Dr. Godfrey Baldacchino, the university is poised to make a permanent contribution to this fascinating, multidisciplinary area.

Honourable senators, as I said at the beginning of my remarks, there is much to be learned from the comparative study of small island societies. I would like to congratulate UPEI President Wade MacLaughlan for a unique achievement in post-secondary education.

[Translation]

WAR IN IRAQ

Hon. Jean Lapointe: Honourable senators, since the beginning of the conflict in Iraq, I do not know how to explain it, but, this morning, seeing all that distress on television, suddenly I felt infinitely saddened, as much by the loss of allied soldiers as by the unbearable suffering of the Iraqi people as they face their human losses. All this pain and sorrow, which all endure and none deserves — not the old people, not the women and certainly not the children of Iraq, the ever-so-innocent victims of this war!

• (1340)

Since childhood, I have been a great admirer of the American people. As I grew, my deep affection for our neighbours and friends to the South also grew. As a Canadian citizen, I was happy when President Reagan breathed new life into the patriotism of the noble American people, which was nearly lost during the Nixon years. It was moving to see all the people at sporting events, including the athletes, put their right hand over their heart and sing their national anthem with pride.

It is a beautiful thing to see that in the North, South, East and West of that vast country, all Americans, whatever their origins, curiously enough, unanimously feel pride in belonging to that great nation.

However, despite all the love I have for the American people, I believe that, of all the bombs dropped by the allied forces, the one that will cause the most damage is the one the President and his closest advisors dropped on the United Nations.

The purpose of this magnificent institution has been to find diplomatic and peaceful solutions to the various conflicts between the nations of our planet.

The question that caused my great distress this morning was this: Will the UN survive what, I believe, is an error, not one made by our neighbours to the South but by their leaders?

[English]

HEALTH

ORGAN DONATION RATE

Hon. Yves Morin: Honourable senators, Canada has so many statistics that can be cited in its favour but our organ donation rate, one of the lowest in the industrialized world, is not one of them.

Every year, more than 3,500 Canadians wait for an organ donation and each year about 150 die still waiting.

[Translation]

Most of these deaths could have been prevented. We have the expertise, the technology and the infrastructure in Canada to successfully carry out more transplants.

[English]

We also have a commitment to research that will improve the success of these operations, exemplified through our four clinical research chairs in transplantation that are co-funded by CIHR and Wyeth-Ayerst. However, we do not have the organs to be transplanted. Seventy-one per cent of Canadians say that they would donate any organ necessary for transplantation, but only 14 out of every 1 million Canadians actually donate an organ.

Dr. Keith Martin, the Canadian Alliance Member of Parliament for Esquimalt—Juan de Fuca, believes that we need a more efficient system. His excellent plan to substantially increase our rate of organ donation includes: an organ donation form that would be signed at the doctor's office and attached to each individual's medical chart; a national organ transplant coordinator to oversee registries of potential donors and potential recipients; and an organ donor coordinator in each hospital to approach families for permission to donate their loved one's organs.

If Dr. Martin's plan were followed, we could save lives and money. For every patient who receives a kidney transplant, approximately \$200,000 is saved over five years. Some countries, such as Austria, Spain, Belgium and Sweden, go even further. Their "presumed consent" system of organ collection means that organs can be taken unless the patient or family has refused consent before the death takes place. As a result, these countries have organ donation rates that are much higher than in Canada. Spain's organ donation rate, for example, is 32.5 per million, which is more than double the Canadian rate.

Honourable senators, April 21 to 27 is National Organ and Tissue Awareness Week.

[Translation]

I invite you to sign your organ donor card.

And let us be sure to adopt measures to considerably increase the number of Canadians who receive organ donations.

ROUTINE PROCEEDINGS

Thursday, April 3, 2003

LIBRARY OF PARLIAMENT

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Yves Morin, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

The Standing Joint Committee on the Library of Parliament has the honour to present its

FIRST REPORT

Your Committee recommends that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament; and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends that its quorum be fixed at seven (7) members, provided that both Houses are represented including a member from the opposition and a member from the government whenever a vote, resolution or other decision is taken, and that Joint Chairs be authorized to hold meetings to receive and publish evidence when a quorum is not present, provided that at least (4) members are present including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings of the Senate.

A copy of the relevant Minutes of Proceedings (*Meeting No. 1*) is tabled.

Respectfully submitted,

YVES MORIN
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Morin, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later today.

[*English*]

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTEENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

1. Aboriginal People (legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 10,000 |
| Transportation and Communications | \$ 500 |
| Other Expenditures | \$ 700 |
| Total | \$ 11,200 |

2. Banking, Trade and Commerce (legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 23,000 |
| Transportation and Communications | \$ 0 |
| Other Expenditures | \$ 9,500 |
| Total | \$ 32,500 |

3. Energy, Environment and Natural Resources (legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 7,500 |
| Transportation and Communications | \$ 500 |
| Other Expenditures | \$ 3,000 |
| Total | \$ 11,000 |

4. Foreign Affairs (legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 3,500 |
| Transportation and Communications | \$ 750 |
| Other Expenditures | \$ 750 |
| Total | \$ 5,000 |

5. Legal and Constitutional Affairs (legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 35,500 |
| Transportation and Communications | \$ 9,807 |
| Other Expenditures | \$ 1,000 |
| Total | \$ 46,307 |

(includes \$15,000 for professional advice including legal advice. It must be noted that any person hired by the Committee to provide assistance to it can not be given the title of Legal Counsel to the Senate or to the Committee, since the Senate Law Clerk and Parliamentary Counsel is Legal Counsel to all Senate committees.)

6. National Finance (legislation)

| | |
|----------------------------------|------------------|
| Professional and Other Services | \$ 25,500 |
| Transportation and Communication | \$ 6,000 |
| Other Expenditures | \$ 0 |
| Total | \$ 31,500 |

(includes some funding for conferences)

7. Rules, Procedures and the Rights of Parliament

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 10,000 |
| Transportation and Communications | \$ 500 |
| Other Expenditures | \$ 0 |
| Total | \$ 10,500 |

8. Scrutiny of Regulations (Joint Committee)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 2,790 |
| Transportation and Communications | \$ 2,250 |
| Other Expenditures | \$ 2,505 |
| Total | \$ 7,545 |

(includes some funding for conferences)

9. Social Affairs, Science and Technology (legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 2,500 |
| Transportation and Communications | \$ 0 |
| Other Expenditures | \$ 500 |
| Total | \$ 3,000 |

10. Transport and Communications (legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 20,000 |
| Transportation and Communications | \$ 200 |
| Other Expenditures | \$ 1,000 |
| Total | \$ 21,200 |

Your Committee recommends that there be a strict claw back process, whereby any funds remaining following the conclusion of an activity, in particular travel for public hearings and/or fact-finding, will be returned to the central budget for redistribution by the Committee on Internal Economy, Budgets and Administration. This will be done in such a way that committees will not have to volunteer the return of funds.

Your Committee intends to reconvene in the fall to undertake a review of the financial situation and to consider the release of additional funds. The release recommended in this report will enable committees to plan their work at least through the early fall.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Leonard J. Gustafson, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Transport and Communications has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, March 19, 2003, to examine and report on the current state of Canadian media industries; emerging trends

and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LEONARD GUSTAFSON
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 661.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Gustafson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES**

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on November 7, 2002, to examine and report on emerging issues related to its mandate.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of report, see today's Journals of the Senate, Appendix "C", p. 669.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Banks, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1350)

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Deputy Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002 to examine and report upon the Canada — United States of America trade relationship and the Canada — Mexico trade relationship, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada for the purposes of its examination.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO
Deputy Chair

(For text of report, see today's Journals of the Senate, Appendix "D", p. 679.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on the Orders of the Day for consideration later this day.

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Ione Christensen, for Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report upon

issues affecting urban Aboriginal youth in Canada, now, respectfully requests approval of funds for fiscal year 2003-2004.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

THELMA J. CHALIFOUX
Chair

(For text of report, see today's Journals of the Senate, Appendix "E", p. 687.)

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Christensen, report placed on the Orders of the Day for consideration later this day.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF POLITICAL COMMITTEE, MARCH 3-6, 2003—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian section of the Assemblée parlementaire de la Francophonie, and the financial report relating to it. The report concerns the meeting of the APF Political Committee, held in Luxembourg, from March 3 to 6, 2003.

[English]

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— LANGUAGES OF NOTICES— AVAILABILITY OF TRANSLATORS

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate. On Tuesday, Health Canada began distributing health alert notices at Pearson International Airport in Toronto. These notices asked travellers to postpone their flights and see a doctor if they are showing symptoms of SARS, or had contact in the last 10 days with any infected person or were at any infected SARS facilities. Could the Leader of the Government in the Senate tell us if these notices are available in the languages of Southeast Asia, in particular Cantonese and Mandarin, as well as the relevant languages of the highly infected areas of Asia?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I do not know if this information is available in any languages other than Canada's two official languages. I will get that information for him. The honourable senator has made an excellent recommendation and I will bring it forward also with the Minister of Health.

Senator Keon: Honourable senators, along with the health alert notices, airport authorities have placed posters at strategic locations at Pearson International Airport, informing travellers who meet certain criteria to defer their flights. In addition to these posters, it may be useful to have staff there to hand out flyers or answer questions that travellers may have. Again, could the Leader of the Government tell us, or find out, if there are translators there who could communicate this information to people from the Asian areas where there are particularly high pockets of the disease?

Senator Carstairs: Honourable senators, there certainly are staff to conduct inquiries or respond to questions that individuals may ask. I also know that the phone lines being manned in Toronto do have translators in all of the languages of the communities that have been most affected by this disease. I do not know whether there are translators at the airport. Again, I will try to obtain that information for the honourable senator.

JUSTICE

FIREARMS CONTROL PROGRAM— STATUS OF BILL C-10A

Hon. Gerald J. Comeau: Honourable senators, on Tuesday, the Leader of the Government in the Senate told us that the government would press for the passage of Bill C-10A next week. She also said that we cannot move forward with Bill C-10B until the House of Commons has moved forward with Bill C-10A and our suggestion to split the bill. Today, we learned that the government has withdrawn its plans to push Bill C-10A through the House of Commons because it contains wording that might have to be changed before the Solicitor General can legally take responsibility for the Canadian Firearms Program. My understanding is that this might even imply legislative changes. In light of these revelations, could the Leader of the Government tell us exactly what is the status of Bill C-10A? Is it being withdrawn or amended? How long will it take to do this, and what will happen to Bill C-10B, which is still before this chamber?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. When I read the article that I am sure he read this morning, I was somewhat surprised. I was in a meeting, yesterday afternoon, in which just the opposite information was provided to me. I immediately made contact this morning. My understanding is that the matter will still be on the agenda for next week.

FINANCE

USE OF FOREIGN AFFILIATES TO AVOID PAYING TAXES

Hon. Marjory LeBreton: Honourable senators, the CBC program, *Disclosure*, broadcast on April 1, revealed that Canada Steamship Lines moved some of its companies from Liberia to Barbados, because of the change in Canadian tax laws.

The 1994 budget brought in by the former Minister of Finance, Paul Martin, boasted about "taking measures to prevent Canadian-based companies from using foreign affiliates to avoid paying Canadian taxes." The budget closed the Liberia loophole, but not the Barbados one. Can the Leader of the Government tell us why the Barbados loophole was not closed at the same time as the Liberian one?

• (1400)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Protecting Canada's tax base is an ongoing process, as the honourable senator well knows, since, in this chamber, we usually get new tax treaties for various countries two or three times a year. They, of course, go to the Banking Committee for discussion. My understanding is that tax havens are under continuous scrutiny by the Department of Finance as well as Canada Customs and Revenue Agency. Discussions with Barbados are ongoing with a view to updating that tax treaty.

Senator LeBreton: Honourable senators, the Auditor General, in her December 2002 report, on page 24, noted that "Canadian direct investment in Barbados...has increased from \$628 million in 1988 to \$23.3 billion in 2001."

Earlier this week, the Ethics Counsellor refused to answer the CBC program *Disclosure*, as to whether the former Minister of Finance had discussed with his trustees the moving of CSL companies to Barbados, to take advantage of these tax laws. We know the Ethics Counsellor allowed meetings under the former minister's blind trust management agreement or, as our leader in the other place says, the "Venetian blind trust," in the event of extraordinary or exceptional circumstances.

Can the Leader of the Government in the Senate tell us if changes in the Canadian tax laws would constitute an extraordinary or exceptional circumstance?

Senator Carstairs: Honourable senators, the Ethics Counsellor, who has had a relationship with the former Finance Minister in exactly the same way as he does with every single minister, including me, is very direct in his information to us and very direct in his insistence upon our obligations under the established code of conduct. He has indicated in the clearest possible terms that the former minister, the Honourable Paul Martin, has in no way violated the code of conduct.

TOTAL GOVERNMENT EXPENDITURES SINCE 1993

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government in the Senate. On Tuesday this week, the Honourable Senator Bryden compared the total expenditures of the Mulroney government of 10 years ago with governments prior to that date. He quoted, with some fanfare, the following statement:

Seventeen prime ministers, from Macdonald to Turner, governing since Confederation, spent \$900 billion over 117 years. Then along came Mulroney who, with the help of Wilson, Mazankowski, Campbell, Charest and friends, managed to spend more than one trillion dollars in eight years.

I would ask the Leader of the Government in the Senate to bring us up-to-date. What are the total annual expenditures of the Liberal government since it took office in 1993?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would be prepared to do that. However, as the honourable senator knows, I will have to take that question as notice, and provide that information later. Of course, the honourable senator has it in his office. He would need only to take a look at the accounts and add them up.

Senator Stratton: The answer is \$1.5 trillion over nine years.

NET REVENUE FROM GOODS AND
SERVICES TAX SINCE 1993

Hon. Terry Stratton: Honourable senators, Senator Bryden went on to laud the surpluses and fiscal management of the Martin-Chrétien government. Can the Leader of the Government inform us as to the total net revenue taken in by the government over the last nine years through the tax they promised to cancel, namely, the GST?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have that figure; however, I am sure the honourable senator does and will he quickly give it to us.

Honourable senators, we are in a situation this afternoon, in which a favoured phrase of my mother's comes to mind, which is that people who live in glass houses should not throw stones.

Senator Stratton: Honourable senators, the correct answer is \$180 billion. Is that good fiscal management?

NET REVENUE FROM EMPLOYMENT
INSURANCE PREMIUMS SINCE 1993

Hon. Terry Stratton: Honourable senators, in addition to the \$180 billion in net GST revenues over that nine-year period, the Martin-Chrétien government also introduced a new taxation concept. I refer to the Employment Insurance Fund. I am sure the Leader of the Government in the Senate can provide this answer. Can the leader tell us how much the Martin-Chrétien government has taken in to date from that insurance program?

Hon. Sharon Carstairs (Leader of the Government): No. Again, I am sure the honourable senator can provide us with that information. However, it is important for a couple of things to be put on the record. When the Mulroney government left office, we had roughly a \$42 billion deficit. In the last six years, we have had a balanced budget. I think that is the most perfect example of fiscal accountability that anyone could possibly consider.

Senator Stratton: Honourable senators, I would suggest that, if you add the help of \$180 billion and the \$45 billion in the Employment Insurance Fund at the end of this fiscal year, you end up with a substantial amount of money that I am sure adds up to more than the surpluses the government has accumulated. The government has accumulated them thanks to the GST and thanks to the Employment Insurance Fund.

[Senator Stratton]

Senator Carstairs: Honourable senators, with the greatest respect to the honourable senator, one cannot deal with hypothetical issues; however, one must ask oneself, if it was \$42 billion in 1992-93 under that administration, and it had been growing steadily year after year, what would it be today if they had remained in power?

FISCAL DEFICIT AS PERCENTAGE OF
GROSS DOMESTIC PRODUCT

Hon. Marjory LeBreton: I have a supplementary question, honourable senators. The honourable minister has just cited the \$42-billion deficit. I asked a question on this subject a year-and-a-half ago in the Senate. I asked the government leader whether she agreed with the standard fiscal practice of calculating the deficit as a percentage of the GDP. At the time, she said that she did not know the purpose of my question. I will tell her. I wanted to point out that the biggest deficit ever left in the history of this country was left by the Trudeau-Chrétien Liberals in 1984, when it was 8.7 per cent of the GDP. The Mulroney government got the deficit down to 4.6 per cent of the GDP and, by the time we left office after the serious recession, it was still only 5.9 per cent, almost three percentage points lower.

My question to the Leader of the Government in the Senate is: Can she imagine what the \$38-billion deficit left to the Mulroney government in 1984, which constituted 8.7 per cent of GDP, would have been like today if left untackled?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the reality is that it was left untackled when the honourable senator's government kept running deficits.

Senator LeBreton: No.

The Hon. the Speaker: I remind honourable senators that, according to our rules, Question Period is a time for putting and answering questions. Debate is not in accordance with our rules for Question Period.

FOREIGN AFFAIRS

WAR WITH IRAQ—HUMANITARIAN AID

Hon. Consiglio Di Nino: Honourable senators, it is all in fun.

Colleagues, last week the Canadian government announced \$100 million in aid for the people of Iraq. We all applaud that initiative. However, at the same time, a question was asked last week as to where this \$100 million is coming from. The government stated that the money was provided for in the February budget and is built into the existing fiscal framework. In today's *Ottawa Citizen*, both in an editorial and a separate article, attention was drawn to the fact that the Iraqi conflict has distracted the world from other troubled spots, such as Eritrea, the Sudan, Malawi and Ethiopia. It was also noted that aid crises in these and other areas have now fallen out of the spotlight.

• (1410)

Can the Leader of the Government in the Senate assure this chamber that the aid to be provided to Iraq has not been diverted from other areas that are an important focus of Canada's much-needed aid dollars?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure the honourable senator that the budget has provided for significant increases in humanitarian aid and that the integrity of the programs that are presently in existence has been protected.

UNITED NATIONS

HUMANITARIAN AID

Hon. Consiglio Di Nino: I thank the honourable senator for that response.

Could the minister also inform this chamber as to what steps our country is taking at the UN to ensure, together with other nations, that other aid crises in Africa, Asia and elsewhere in the world do not fall out of the spotlight?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the Prime Minister has put aside a large sum of money, \$500 million, for aid specifically targeted to Africa. That fund is in place and will reach out to the people of Africa.

The senator is quite right. Our televisions, our news programs, our radio and our newspapers are dominated by one event going on in the world. However, there are other tragedies occurring, and we must be there for those people as well.

THE SENATE

WAR WITH IRAQ—REQUEST FOR BRIEFING BEFORE FOREIGN AFFAIRS COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, every time I want to ask a question to the Chairman of the Standing Senate Committee on Foreign Affairs, I do not know what happens. I am not lucky again today. In his temporary absence — I want to be a gentleman and cannot say that he is absent — can I ask the deputy chair of the committee if he could use a day or two in the next three weeks to give us a full and complete briefing on the situation in the Middle East?

The Hon. the Speaker: I am sorry, honourable senators, but the rules are fairly clear. Questions can be put to a minister or the chair of a committee. Unfortunately, the rules do not extend to a deputy chair or to the deputy leader.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Joyce Fairbairn, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Tuesday February 4, 2003, to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002 and in particular, to examine issues concerning mental health and mental illness, now, respectfully requests the approval of funds for 2003-2004.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN
For the Chair

(For text of report, see today's Journals of the Senate, Appendix "F", p. 693.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

ORDERS OF THE DAY

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Christensen, seconded by the Honourable Senator Chalifoux, for the second reading of Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the second reading debate on Bill C-2. As honourable senators have already heard from our colleagues who have spoken, Bill C-2 implements a process for assessing the potential environmental and/or social impacts of certain developments — such as logging, mining or road construction — undertaken in the Yukon.

This legislation implements the development assessment process described in chapter 12 of the Yukon First Nations' Umbrella Final Agreement between Canada and the Yukon Territory and the Council of Yukon Indians, which was signed in May of 1993. Effectively, through Bill C-2, a framework is being created whereby any potential environmental and/or social impacts of development are considered before they can proceed. The framework is intended to apply a single process to all projects, whether they involve federal, territorial or First Nations' settlement lands.

The bill itself is divided into three parts and contains 134 clauses. Part 1 of the bill establishes the Yukon environmental and socio-economic assessment board, which consists of a three-person executive and four other members. It is important to underscore that the board's chairperson must be a Yukon resident, as well as a majority of the board's members.

Bill C-2 also details how the Indian Affairs minister, following consultation with the First Nations, will divide the Yukon into six assessments districts. A community in each district will be named as a designated office and will have staff accountable to the board for the purpose of assessing local projects. As well, the main office of the board will be in Whitehorse.

The board will be given the power to make a wide range of rules covering areas such as time lines for project assessment, proposal information requirements for projects, public notices of proposed projects and public involvement in the assessment process. Also, the board will be responsible for maintaining a central public registry with information on all projects that have been and are being assessed.

It is notable, honourable senators, that according to Bill C-2, the board will be subject to the Privacy Act and the Access to Information Act. We would like to see this in all legislation. Also helpful is the fact that the board will be audited annually by the Auditor General and that it must submit annual reports to the minister. It will be important to determine that the minister, in turn, will make those reports available to Parliament.

Part 2 of the bill deals with the assessment process and related decision documents. All projects must be assessed by either the board or one of the designated offices. The bill lays out the matters that must be considered when conducting an assessment, such as the purpose and stages of the project, the significance of any environmental or socio-economic effects of the project, including malfunctions or accidents, and alternative ways of operating the project to minimize any adverse effects.

The process outlined in the bill also stipulates that after a project has been assessed, the board or office will recommend to the relevant federal, territorial or First Nations decision bodies whether the project should be allowed to proceed and if special terms or conditions should apply to the project. It would follow, then, that the decision bodies for the project would then accept, reject or vary the recommendations in a decision document. Under the bill, decision bodies must then implement their decision

documents when they issue authorizations or permits or take any other action that would allow a project to proceed.

Honourable senators will note that in accordance with the provisions contained in the bill, the Canadian Environmental Assessment Act will have limited application in the Yukon. Its application will be limited to the panel review level, particularly when transboundary projects are under consideration.

Part 3 of the bill primarily involves transitional provisions and related amendments to other acts. Key in this regard is the fact that the Yukon First Nations Self-Government Act is amended to allow fines of up to \$300,000 for offences related to the use of settlement land and natural resources on settlement land and the protection of the environment.

• (1420)

Honourable senators, the bill before us has a backdrop. Part of that backdrop was a decision made by the Council of Yukon First Nations, the Government of the Yukon Territory and the Government of Canada on May 29, 1993, when the three parties signed the Umbrella Final Agreement. That agreement became law on February 14, 1995. It provides for final land claims agreements and self-government provisions for the 14 Yukon First Nations.

The Umbrella Final Agreement is the key overarching document of the Yukon First Nations land claims settlement. If I understand correctly, it is also the document from which this bill and its development assessment process flow.

Ideally, the full implementation of Umbrella Final Agreement, along with the associated implementation of individual First Nations final agreements, the associated creation of related management boards and committees, and the associated creation of new mechanisms for managing economic development and environmental assessment will help to more effectively realize the tremendously rich potential of the Yukon and its citizens.

I am sure we would all agree that the extent to which Bill C-2 advances this latter objective is important. This will be one of the key criteria, no doubt, for the scrutiny of the committee to which this bill is referred.

Honourable senators, this bill should be examined within the context of the very interesting history of the development of self-government in the Yukon. In principle, this bill is a solid initiative. We, on this side, have no difficulty, therefore, in supporting this bill at second reading.

The Hon. the Speaker: Honourable senators, is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Christensen, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Cook, for the second reading of Bill C-15, to amend the Lobbyists Registration Act.

Hon. Consiglio Di Nino: Honourable senators, I am pleased to speak today on Bill C-15, which proposes amendments to the Lobbyist Registration Act. Although the bill fails to adequately address some concerns relating to lobby campaign budgets and enforcement provisions, it does improve transparency of lobbyist activities.

Our colleague Senator Rompkey has already outlined much of the history and substance of the act. However, in the interest of clarity, I will add a few points.

The Lobbyist Registration Act was passed in 1988 by the then PC government. The act was amended in 1993 and again in 1996. Notably, the amendments passed in 1996 led to the drafting of the Lobbyist Code of Conduct by the Ethics Counsellor, to which all lobbyists are currently bound.

In 2001, the Standing Committee on Industry, Science and Technology in the other place delivered a report on the effectiveness of the lobbyist registration system. Although the committee concluded that the registry was effective in broad terms, a number of recommendations were made.

The changes to the act proposed by Bill C-15 bring us closer to the goal of addressing the four key principles mandated in the act's preamble and outlined, I think quite well, in Senator Rompkey's presentation.

The aim of the act is not to regulate lobbying activities but rather to increase transparency in such a way that the Canadian public knows who is lobbying the government and on whose behalf.

The bill makes a number of changes to the Lobbyist Registration Act. The expression "attempt to influence" has been removed, meaning that all communications between lobbyists, consultants and the government qualify as lobbying and are, therefore, subject to registration.

Communications initiated by a public officeholder with a potential lobbyist have been included in the list of actions requiring registration. This bill creates a common registration bank for both corporate lobbyists and lobbyists representing not-for-profit organizations, with responsibility for registration being transferred from individual employees to senior management.

Under Bill C-15, lobbyists will be required to update their submissions to the registry every six months. The act itself is to be reviewed by Parliament every five years.

During hearings in the other place, a number of concerns regarding Bill C-15 were raised, including that the Lobbyists Registry is too vague because it names only the government departments targeted for lobbying activities. Some have suggested that lobbyists identify the individual public servants with whom they are in contact.

John Chenier, publisher of the *Lobby Monitor*, an individual who has followed lobbying for close to 15 years, recommended during committee hearings in the other place that operating budgets of lobbyists be included in information filed. He pointed out that there is "a huge difference between an advocacy campaign with a budget of \$30,000 and another of \$500,000."

Witnesses also questioned whether those who hold senior positions with federal political parties should be allowed to lobby the government as paid lobbyists.

A number of enforcement issues have been raised in relation to this bill. Currently, the act does not set out penalties for lobbyists who are in violation of the code of conduct. The omission is significant because it leaves too much leeway for interpretation by the Ethics Counsellor. The nature of the Ethics Counsellor's role has raised questions of inconsistencies in the investigations process. To date, not a single lobbyist has been found to be in violation of the code of conduct and few of the complaints filed ever make it to the investigation stage. This could also be good news, but we should look at it.

The 2001 report of Standing Senate Committee on Industry, Science and Technology recommended that the Lobbyists Registration Act be "amended to create a new office" with the "exclusive responsibility of investigating and reporting to Parliament on alleged violations of the Lobbyist Code of Conduct."

Currently, the Ethics Counsellor investigates such complaints and reports his findings to the Minister of Industry. In response to this recommendation, the government indicated that it was "of the view that the role of the Ethics Counsellor has been a valuable part of the overall success of the lobbyist registration system since its inception."

Separate from Bill C-15, both Houses of Parliament have undertaken a study of proposals to implement the 1997 Milliken-Oliver report and to amend the act dealing with the Ethics Counsellor. This raises the question as to whether Bill C-15 and its objectives will be affected. I urge the committee to examine this as well.

Honourable senators, although this legislation does not address all of the weaknesses of the Lobbyist Registration Act, it does increase transparency in lobbying. For this reason, we would agree that it should go to a committee which should pay particular attention to the points I have outlined and other issues that may be raised by witnesses.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

• (1430)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of April 2, 2003, moved:

That, pursuant to rule 95(3), during the week of April 7 to 11, 2003, all Standing or Joint Committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

Hon. Marcel Prud'homme: Honourable senators, can we expect the Foreign Affairs and National Defence Committee to meet next week, given the dramatic events in the Middle East and the potential implications for Canada?

Senator Robichaud: Honourable senators, the purpose of the motion is to allow any committees so desiring to meet next week and address matters of their choosing. Each committee always has the privilege of deciding what it will do.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud: Honourable senators, dare I hope that consent will be given to call the next item, Item No. 1 under "Commons Public Bills", third reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge?

[Senator Di Nino]

Hon. Marcel Prud'homme: I had advised the House formally of my objections. However, after consultation, and being a reasonable man, I was convinced by Senator Lapointe to withdraw my objections, when I said that I was absolutely opposed to this, and that you would see why later on during the debate. I therefore will give my consent.

[English]

VIMY RIDGE DAY BILL

THIRD READING

Hon. Marie-P. Poulin moved the third reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

She said: Honourable senators, during the past few weeks, we have been touched by the expressions of emotion in support of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge. One colleague after another has openly shared treasured memories of loved ones, friends and relatives, all who gave of themselves in the defence of freedom. Grandfathers, fathers, brothers, uncles, sacrificed their lives or suffered wounds in Vimy. Women served in support capacities for the fighting men. Their valiant efforts, collectively, deserve to be honoured by establishing a national day of remembrance of the Battle of Vimy Ridge, almost exactly 86 years ago at Easter. It was, as history has recorded, the day when Canadian troops, fighting for the first time, independent of other allied forces, launched a battle for the Vimy escarpment. Their triumphs gave birth to Canada as a nation. Out of the quest for freedom, Canada emerged strong, proud and united.

[Translation]

Honourable senators, it was noted by all those who spoke in support of this bill that the Battle of Vimy Ridge has become a symbol of our country's independence, of the courage of Canadians at a time of fragile peace, at a time when the present loss of human life is breaking the hearts of fathers, mothers, husbands and wives. The road to democracy, to responsible government throughout the world, is not always paved and is often very bumpy.

In instituting a national day of remembrance of the Battle of Vimy Ridge, we are showing, in a tangible fashion, our admiration for and appreciation of those who sought to defend our values in the past and of those who are doing so today.

[English]

Honourable senators, the sentiments of this house are with that of the other place. I invite you to adopt Bill C-227 by voting unanimously in favour of the third reading of this bill.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I listened attentively to all the speeches. Obviously, if we are serious, we must do our jobs and listen to what is being said in this chamber. Sometimes, not everyone appears to be listening. A good argument will convince me, as it does everyone else.

I will not mention the unfortunate events caused by some individuals who, in their hurry, hoped to sabotage this extremely good cause. How can anyone disagree with what Senator Poulin just said? How can anyone disagree with what Senator Meighen or Senator Atkins said? How can anyone disagree with everything that has been said since this idea to commemorate the Battle of Vimy Ridge was first introduced?

The bill is quite simple. It is but one line. Bill C-227 was presented on February 25, 2003. On February 27, 2003, it was read the second time.

I waited to hear the comments of those who believe, as I do and as many others do, in what the Battle of Vimy Ridge represents. Some of us have relatives who took part in this battle. Senator Atkins told us that his father had died. He was going to speak earlier, but postponed his remarks — which is normal; it is his privilege to do so. Other honourable senators, including Senator Meighen, Senator Fitzpatrick and Senator Milne, spoke on second reading.

Finally, when my turn came, you all know what happened: the word given was not kept. Later on, Senator Kinsella took me to task and told me: "It goes without saying that the honourable senator will have the opportunity to speak at third reading", as if I were a newcomer in the Senate. We have to follow the rules, but I knew very well that I would be able to speak at third reading.

• (1440)

They came to my office and pleaded with me. I had to be unpleasant, which is not my nature, and throw three senators out of my office because, frankly, there is a limit to being the laughing stock of the world.

It is obvious that the Battle of Vimy Ridge is an extraordinary event that must be commemorated. I have been a parliamentarian for 40 years, and I keep seeing the same things happen over and over again.

Someone rises, makes a wonderful suggestion, so wonderful in fact that it is almost impossible to oppose it. People did not even think about the importance of flying the flag at half-mast, the flag I voted for. None of you voted for the flag. Incidentally, this is a flag that no one in Western Canada wanted. No one! For months, they ranted and raved!

The symbol of the flag is an important one to me, as it was to my friend, the Right Honourable John Diefenbaker. When they took down the flag we had at the time, the Red Ensign, on February 15 — and I am not using any notes — a member attending the ceremony wept. I understood how he felt. In the heart of winter, what joy it was for the huge crowd to watch our flag be raised. A large segment of the Canadian population was opposed, arguing that this was a concession to Quebec. Today, who would be foolhardy enough to tell young people in Alberta that we are going to take the Canadian flag away? That person would be lucky to get out alive. The flag is a very important symbol.

When there is talk about flying the flag at half-mast, there is a need for a protocol. How do we go about it? Is all that is required for someone to stand and announce that he or she has a good idea? We cannot say no.

I will remember all my life the way in which the first honorary Canadian citizen was inducted. I still believe that he is not a Canadian citizen. Everything was done on the sly in the House of Commons, on a Monday evening. The decision was imposed on the Senate, even though an honourable senator did object. The Senate adjourned. It was to reconvene the following day. What happened? The Leader of the Government, Senator Roblin, had Mr. Charbonneau recall Parliament to consider a matter of national emergency. There are people here who witnessed the whole affair. Senator Allan MacEachen has been wondering ever since what national emergency warranted recalling Parliament a second time? Two sittings in one day! Honestly, if there had been more consultations, instead of the usual backroom shenanigans, there would have been unanimous support.

I would like that to happen someday. That is why I am so furious. We are not talking about the Battle of Vimy Ridge. Obviously, everything that has been said is important, and clearly we must honour these soldiers.

Yesterday, in committee, the compelling argument I was given is that we have to hurry because there are only a dozen or so survivors of this battle left. What were we doing 15, 20, 30, 40, 50, 60 and 70 years ago? The Battle of Vimy Ridge did not take place yesterday. The definitive argument I was given was: "Hurry up, April 9 is next week!"

Next week, the flag will be flying at half-mast, for a historic event. People will ask: "What is happening?" It is to commemorate the Battle of Vimy Ridge!

There will be nothing to prepare us emotionally, no announcements in schools about Vimy's symbolism. People will realize that the flag is at half-mast. We have gone from 12 to 18 to 22 to 42 days on which the flag is at half-mast. Honourable senators, is the flag important or not? I am not against this ceremony. And now I understand that no one will be here next week. I will be here! However, I do not think that this is the right approach. We are supposed to take whatever time is needed. That is the rule.

[English]

"Order excludes haste and precipitation." It is in the Speaker's chambers, where we go for receptions.

[Translation]

That is the role of the Senate. We are not supposed to be told, with a knife to our throats: "Hurry up, you are against the veterans."

[English]

I have no lessons to learn. I will tell you one thing, I would remind the first one who would dare to try to teach me a lesson on the veterans of Canada that I became their champion when someone wanted to tamper with the War Museum. I came out

directly after having a heart attack. With former Senator Orville Phillips, we saved the War Museum. I became an honorary member of places where they have never heard and seen a Canadien français Roman Catholic from Quebec. In parts of Saskatchewan and Manitoba they said, "Marcel was our champion." Therefore, I have no lesson to learn. If anyone ever gets up and uses my name and says, "It is Prud'homme who seems to have opposed it," they had better say it in public, because I love debating. That is probably the only thing I know.

That is why I wanted to be on the Foreign Affairs Committee. They dumped me on the Banking Committee. I am not too sure I understand what is going on, except that I see they are very important people, big shots, and they all agree, it seems, with each other.

Honourable senators, a very bad incident took place when I wanted to speak on March 26. It involved the process.

Honourable senators, how are we to decide in the future how to appoint, for instance, an honorary Canadian citizen? Many of you saw what happened in the House of Commons in December 1995, how disgusting it was when there was an initiative to make Mr. Nelson Mandela an honorary citizen. If there had been a process, we would not have had that sad spectacle by a Canadian Alliance member. He would have gone down the usual road of democracy and said, "I do not agree." At least the process would have been followed, but, no, poof, and it was a big surprise. I am happy that I raised the matter here.

I defended Mandela when I was a student. There, again, I will not take any lessons from anyone. However, the process is important.

However, we need a process. Next week, we could say that we want Mother Teresa to be an honorary Canadian citizen, and who would say no? We may try to do something today, but there is no process.

MOTION IN AMENDMENT

Hon. Marcel Prud'homme: Honourable senators, just to remind people, I have an amendment. You will dispose of it, I am sure, rapidly. I move, seconded by the Honourable Senator Sparrow:

That Bill C-227, An Act respecting a national day of remembrance of the Battle of Vimy Ridge, be not now read a third time, but that it be read a third time this day six months hence.

I have enough experience to know that the amendment will not pass. It is a friendly reminder to people to put their heads together in the open the next time, not in secrecy, and not because it may get more votes in this or that region or with the Legion. No, make your case in the open. Canadians love things that are done in the open. Canadians have good proposals.

Therefore, I move this amendment to Bill C-227.

[Senator Prud'homme]

The Hon. the Speaker: Honourable senators, are you ready for the question?

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I do not always agree with what Senator Prud'homme has to say, but his comments do merit consideration. It is not the first time that this chamber or this Parliament has had to deal with issues brought up at the last minute.

• (1450)

There are more and more proposals to designate days or weeks to commemorate historical events in our country or in another country with which we have close ties. For instance, there is Senator Losier-Cool's initiative, which Senator Comeau has built upon, respecting a National Acadian Day to recognize the contribution of Acadians. This is still being considered in committee, but things are going slowly. Yet, in the history of our country, the deportation of the Acadians was one of the most troubling events.

Senator Grafstein — and I asked for adjournment of the debate on his motion yesterday — proposed that we designate a special day to commemorate September 11, to be called "America Day in Canada."

Senator Prud'homme: To commemorate September 11.

Senator Corbin: Yes, September 11. Senator Lapointe made what I consider, a very interesting informal suggestion to amend the motion.

When I was a member of the House of Commons, I suggested that we establish a National Family Week in Canada. This was turned down. A few months later, I was appointed to the Senate, and a new member sponsored my initiative, and the House of Commons and the Senate adopted the motion. There is now a National Family Week in Canada.

In recent years, we have seen other initiatives, including the one referred to by Senator Prud'homme. He has referred to the haste with which certain things are done, without any real reasoned debate beforehand. To use his colourful expression, we had a knife at our throats. We even had two special sessions on the same day in order to get this proposal passed, which kind of dropped out of the sky, one might say.

Perhaps we should create some body, or ask an existing institution to examine all proposals of this kind and make recommendations to Parliament. We would, of course, have the final say. It is not necessary for the Senate or the House of Commons to have the last word. The government can issue an order-in-council, or use some other approach. There are many associations in Canada which proclaim this or that national day in order to raise public awareness. As a result, our calendar is starting to be full of days commemorating one thing or another.

I am not trying to downplay their importance. However, perhaps the time has come for some body or other — this could even be one individual or a group of individuals — to be mandated to look at proposals of this type and establish their relative importance with respect to our history, our traditions, our habits and customs, the values contained in the Charter and Constitution. Someone could come along tomorrow and propose that March 21 or March 19, the Feast of St. Joseph, be designated National Maple Syrup Day or whatever! There are such things in some provinces or municipalities.

Senator Bolduc: Good idea, that.

Senator Corbin: Of course, this may sound like advertising. What we are trying to do here is much more significant. It seems to me that this bill deserves careful consideration and a great deal of wisdom. We must put this kind of commemoration in the global context of our history. This must not be done with a piecemeal approach; we need to keep a global perspective.

How many here can list the commemorative days that are officially recognized in Canada? Some could name a number of them. There may be some duplication, but I doubt that anyone could name them all. I cannot tell you how many commemorative days, weeks or months there are on the Canadian calendar.

I ask that we pause for a moment, if not today then later, but not too late, and try to put some order in this issue. I will make this point again when I speak on Senator Grafstein's motion. I do not intend to speak soon, because I really want to think seriously about what is being suggested. I want to put things in a Canadian, American and continental historical context. I am warning you: I will take my time and I do not want to be rushed. The same approach should have been adopted for what we are being asked to do in a hurry today. It is not a matter of downplaying the sacrifice of those who fought at the Battle of Vimy Ridge, for instance, the sacrifice of so many Newfoundlanders who gave their lives.

Senator Prud'homme: At the Battle of Beaumont-Hamel.

Senator Corbin: Actually, the Battle of Beaumont-Hamel used to be commemorated on July 1 in Newfoundland. However, Newfoundlanders were asked to change the date, because it conflicted with Canada Day. As if Newfoundlanders did not have the right to commemorate this tragic event on the date of their choice! How many such examples are there?

• (1500)

I really do understand what Senator Prud'homme is saying. I share his views on the subject. I do intend to avoid haste and precipitation in the future. I will do so with respect to Senator Grafstein's motion.

I am not obstructing just for the fun of it. However, I would like to know what our country wants to have as fundamental values, and whether we think it appropriate to express these values by devoting days or months or years to commemorative events. I believe it is time to straighten these things out.

I am not certain that I will support Senator Prud'homme's motion. I might be inclined to do so, because I, too, do not like

being rushed. If we had to go along with every committee that made a suggestion because a deadline was approaching, that would not be a reasonable situation.

[English]

Senator Prud'homme: Honourable senators will be interested in this because it is very serious. Newfoundland became a province in 1949, but how many people know that the famous Battle of Beaumont Hamel on July 1, 1916, 800 Newfoundlanders went to the battlefield that morning and only 68 came back that night? They have tried to have that day recognized but have been denied by Ottawa because it is the same day as Canada Day.

I am glad that Senator Corbin reminded me of that so our colleagues might question Newfoundlanders. We have Senator Rompkey and Senator Cook, honourable senators from Newfoundland. They know the story well. They know how deep the feelings are in Newfoundland, but the Secretary of State says, "No, it is July 1. Do what you want but not on that day." However, in 1916 they were operating under another regime and it is a most important day.

Honourable senators, the more I speak about this issue the more I am reminded to ask Senator Corbin to kindly share with me any comments he has received. I would be happy to share with Senator Corbin all the comments I have received in the last week.

Senator Corbin: I must apologize.

[Translation]

I was not listening to what you were saying, because I was thinking about something else that has to do with the Battle of Vimy Ridge. Would you please repeat your comment?

[English]

Senator Prud'homme: I was saying that I thank the honourable senator for reminding us about the famous battle of Beaumont Hamel that took place in Newfoundland when Newfoundland was under another regime, where 800 people went to battle that morning and only 68 returned that night.

[Translation]

Honourable senator, if you receive comments, I would like to continue this intelligent debate in the Senate in order to establish this committee, so as to prevent any surprises.

Senator Corbin: I completely agree, that was the gist of my comments. We need to stop filling-up the calendar all the time. It seems to me to lack sense and blurs the relative importance and value of the events we want to commemorate. We seem to let anything go when it comes to this. I think that the U.S. does this sort of thing much better than we do.

[English]

Hon. Herbert O. Sparrow: Honourable senators, I move the adjournment of the debate.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Sparrow, seconded by the Honourable Senator Prud'homme, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it. The motion to adjourn is defeated.

We could resume the debate, honourable senators, or I could put the question.

Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Sparrow:

That Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge, be not now read the third time but that it be read the third time this day six months hence.

Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the nays have it. The motion is defeated, on division.

Resuming debate on the main motion, or is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Poulin, seconded by the Honourable Senator Corbin, that this bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Morin, for the second reading of Bill S-11, An Act to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, Bill S-11 amends the Official Languages Act to specify the scope of section 41, in Part VII, of this act, in order to ensure that section 41 and Part VII are directory, and not declaratory, as some would claim.

You may say that I am very consistent, and that is true. Here I am again raising an issue that I believe to be fundamental to Canada's linguistic duality — a Canada that has official languages legislation, which ensures that official language minority communities have legal rights, rights that can be called on in the courts. If I had to give a title to my speech, it would be "No Recourse Equals No Rights."

• (1510)

This is the purpose of my speech today in support of Bill S-11. This is the second bill I have introduced in the Senate on the same subject. The first, Bill S-32, died on the Order Paper last year with prorogation. As a result, I have been able to improve the wording and to now submit Bill S-11 to the Senate.

My hearing is seriously affected by my illness, but that did not prevent me from understanding what was said by those who appeared before the committee examining Bill S-32. The Senate provides me with real-time captioning, which I greatly appreciate. It enables me to see in writing what I cannot hear or perhaps not understand. There is a difference between hearing and understanding.

The Standing Senate Committee on Legal and Constitutional Affairs devoted eight meetings last year to the examination of Bill S-32. We heard more than 20 witnesses in February and March of last year.

These witnesses made a serious contribution to the debate and I thank the senators who took part in the committee meetings. I must also acknowledge the interest and informed advice I received from my Senate colleagues. I put it to good use, along with what was said during consideration in committee, in drafting my new bill.

You have already heard me refer to the reason behind my numerous interventions on this matter in recent years. It is a matter of lifting the veil of ambiguity that obscures section 41 of the Official Languages Act and to determine once and for all the following: Is this provision directory or merely declaratory?

Many feel it is directory, but I acknowledge that many others feel it is declaratory. My objective is to make the wording so clear that there will no longer be any doubt remaining. Recently Minister Dion appeared before the joint committee on official languages and stated, in reply to a question on section 41, that it is not directory. It is too vague a matter to be left up to the courts. If it is too vague, then let us clarify it and tighten up the language.

I would like to give a quote that came to mind, a quote from Boileau that many of you will recognize. It dates back to 1674:

What is well understood is expressed clearly

and the words to say it come easily.

That is my intention. If the linguistic minorities in Canada have not sought any remedy with regard to section 41, it is, in part, due to the ambiguity about its scope. This comes from statements to the committee by Ronald Caza, a well-known lawyer, who defended Franco-Ontarians in the Montfort Hospital case. This is a man who knows how to make a stand. Mr. Caza, in committee, told us that individuals who want to go before the courts, because they are entitled to do so under section 18, could go before the Federal Court tomorrow. But this requires deep pockets and an army of lawyers, because the argument does not relate to the substance, but to the interpretation given to section 41. All the Ministers of Justice, since 1998, without exception, have told me that section 41 was declaratory.

How is it that such clear wording has been used? For example, it says in section 41 that the government is committed, I stress the word committed, to enhancing, supporting and fostering the development of official languages minority communities; the government is committed. When Senator Gauthier is committed to something, he keeps his word. The government says: "Well, you know, that is one way of putting it." That is declaratory, not directory. Yet, I was present when this legislation was amended, or the new legislation was passed in 1988. During a committee meeting, I remember that the then Secretary of State, Lucien Bouchard, had answered a question I had asked about this. He said: "Mr. Gauthier, section 41 creates obligations for the government." That is what I want because, in fact, the federal government has the main responsibility for protecting the official languages communities and minorities in general. The federal government is responsible for ensuring the survival of these communities throughout the country. It is in the Constitution; it is clear.

I am going to read section 41. I must point out that the legislator does not speak for nothing, as my colleague, Senator Beaudoin, would say. We are not speaking for nothing here. We are speaking because we believe in this.

Let me read to you what it states:

41. The Government of Canada is committed to

- (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
- (b) fostering the full recognition and use of both English and French in Canadian society.

This wording is almost identical to that of section 36, concerning equalization and regional disparities. You are familiar with equalization, the program under which between \$11 billion and \$12 billion is spent annually on the provinces to ensure that all have equal opportunities. Same wording.

36. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial government, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities;...

How is it that we can spend some \$12 billion a year on this but that no one can tell me whether section 41, whose wording is almost identical, is a declaratory provision. I am a little lost here. Granted, I have no legal training to help me understand. The fact remains that such was not the intention of lawmakers in 1988. At least, not the ones I knew.

• (1520)

I was the official languages critic for the official opposition at the time. I think that, in those days, we spoke with a unified voice and firmly believed that the government was indeed committed. As the minister said, the government creates obligations for the government.

We must clarify the scope of section 41. The veil has been lifted. The full responsibility of the federal government will become clear and francophone and anglophone minority communities in Canada will fully exert their rights. They will be able to go before the courts when the federal government does not assume its responsibilities — this is something which they currently cannot do. Under section 41 of Part VII of the Official Languages Act, one cannot ask a court to provide an interpretation of the expression "the Government of Canada is committed." You may argue that section 18 of the federal act allows for such action, but there are costs involved. One needs a team of lawyers. So far, it has been impossible to ask the courts for such an interpretation. I went through this with TFO, because I sincerely believe that educational television in a province comes under section 23 of our Constitution. It is an educational institution and I can prove it. I have the transcripts of the committee proceedings. The then Minister of Justice, the Honourable Jean Chrétien, gave a clear explanation of what an educational institution was. It is much more than a building made up of bricks and stones.

In Ontario, it took 15 years to make the province realize that an educational institution should be managed by the minority community. Considering that the courts ruled in favour of this interpretation — the *Mahé* case is a classic example — considering that the courts ruled that the communities should manage the schools and that this is a constitutional right, why do we have educational television networks that do not come under the same section?

I tried to go to the Federal Court. The process took four to five months. I was told that the court would not hear my case. I went before the Supreme Court and asked to be heard. I was given the same answer after six months. Why? Because I was raising a constitutional issue, a right that I deem important, the right to educational television in provinces like Ontario, Alberta and Quebec. To me, it goes without saying that our children should have access to educational television in a modern world where communications, including teletraining, are the solution to many problems. A lot can be accomplished through educational television. Communities must be given the right to manage. If that right is valid for the majority, why would it not be valid for the minority?

I was not able to convince the courts. The day may come when Canadians across the country, anglophones and francophones alike, will have access to teletraining. Whether in a general field or medicine, we need to be able to establish direct links to communities, wherever they are located. This is possible today with telemedicine.

Many legal experts believe that the current wording of Part VII of the Official Languages Act is directory. I could name several members of this Senate who supported me on this issue, such as Senator Beaudoin. Senator Beaudoin and Senator Joyal both support this interpretation.

At Justice Canada, Warren Newman, whom I know well, and who was responsible for the bill in 1988, stated that the intent of legislators with section 41 was to provide formal, permanent and visible guidelines as to the federal government's commitment to official languages — that is what he said in committee. He stated that Part VII of the Official Languages Act was not regulatory, but referred to programming, and was therefore not judicable. That, incidentally, is what all ministers of Justice have repeated to me since 1988.

Part VII of the Official Languages Act contains a commitment, not obligations, that are directory. It does not provide for legal recourse. That is basically the response that I have received from ministers of Justice since 1988.

I have been told:

This is why there are no regulations for section 41 or Part VII.

No regulations equals no recourse. No recourse, as far as I am concerned, equals no justice. I will resume the quotation:

Legislation without regulations is random, because it is not accompanied by any measures for its enforcement.

Let us have a look at the main objections that have been expressed in response to section 41. There are three main ones.

First, this was not the intent of legislators—this is what officials have been telling us since 1988.

Second, recourse to the courts might encroach upon an area of provincial jurisdiction.

[Senator Gauthier]

• (1530)

The Honourable Sheila Copps, Minister of Canadian Heritage, raised the concern before the Senate Committee that involving the courts might encroach upon such provincial powers as education or health. My response to that is that there has been a successful precedent. Section 23 of the Charter of Rights and Freedoms encroaches on provincial prerogatives because it assigns rights relating to education. If the federal government believes that provincial governments must support minority language communities, let it say so loud and clear. The consequences for language minorities cannot help but be good.

Third, the fear of over-judicialization is pure nonsense, in my opinion. Must we stand up for what we believe in? Have education-related rights taken up an unacceptable amount of the courts' time? On the contrary. There have been 733 cases before the courts on section 15, and 30 on education, in connection with section 23, since 1982. It has been 18 years. There have been 5 in connection with section 16 of the Constitution. Who has been abusing the system? Not the minorities. We won all five. I could give you a list of the judgments, particularly the Supreme Court ones, on the interpretation to be given to official language equality in education, for example. This is taken for granted nowadays, but it took a lot of time and a lot of money. I know some of you here knew Georges Forest in Manitoba in 1976-77. This is the man who challenged the situation in Manitoba, where he did not have access to justice in his language, French. He challenged this in the courts and he won. It took \$70,000. He was not a rich man, and I found it somewhat staggering that a man had to just about bankrupt himself in order to defend a fundamental right. The government's reaction was a good one. A court challenges program was set up to provide financial assistance with cases involving constitutional interpretations. Even today, section 15 on equality and section 16 on official languages, the equality of their status can be challenged under that program. Which is only right. People are no longer forced into bankruptcy in order to defend their fundamental rights. In fact, when I am told that making section 41 directory would increase court action, I wonder on what they are basing this kind of statement? I do not understand.

Allow me to speak now about the witnesses who appeared before the committee last year to testify in favour of making Part VII directory. They suggested wording that I was only too happy to include in Bill S-11. These witnesses will have helped to speed up the passage of a better act, an act that is clearer and free of ambiguity. We will take an act that is ambiguous and give it some teeth. It will be clear and precise.

Our linguistic ombudsman, the Commissioner of Official Languages, Dr. Dyane Adam, told the Senate Committee that section 41, as worded, had to be maintained, but that by adding, after paragraph (1), paragraphs to explain that the government is required to act in order to provide for accountability, and that the Governor in Council should allow for recourse to the courts.

Many community organizations and other organizations representing francophone and anglophone communities and even French-speaking lawyers appeared before the committee to explain the problems. They gave their opinion and advice, and I accepted both and incorporated them into my bill.

I recall, in particular, the statements made by the Fédération des communautés francophones et acadienne du Canada (FCFA). It too suggested that section 41 be maintained without amendment by inserting it in paragraph (1), followed by two new paragraphs clarifying the obligations and stating that the Governor in Council was to deal with such obligations. The FCFA also suggested adding a paragraph to Parts X (Court Remedy) and XI (General) to include reference to Part VII.

A select group of lawyers also appeared before the Senate committee. They all spoke in favour of clarifying the intent of section 41. Notably, Joseph Magnet essentially repeated the suggestions made by the Commissioner of Official Languages and the FCFA.

I also remember the statements made by Nathalie Desrosiers, a lawyer and President of the Law Commission of Canada, who spoke both as an individual and a constitutional and linguistic law researcher. In her opinion, the amendments to Part VII are necessary and part of a major law reform. Her theory is that, since the Quebec secession reference, protecting minorities has become a fundamental structural principle of the Canadian constitution. Furthermore, the Montfort decision is based on this fundamental structural principle of protecting minorities. Ms. Desrosiers said that any change desired by the minority to institutions providing services to the minority should be done in consultation with that minority and with its approval. This obligation to maintain a dialogue with minorities is compatible with changes in law reform today.

Under the Canadian constitution, the federal government is the guardian of official language minorities. Having federal legislation without regulations makes linguistic minorities vulnerable to the whims of all levels of government, and that is difficult under any circumstances.

I would like to conclude by saying a few words about the Official Languages Action Plan announced by Minister Dion on March 12. Some will say: this shows that the federal government is assuming its responsibilities. No need to make Part VII of the Official Languages Act directory; something is being done. There is an action plan. Forgive me if I smile a little. I was here in 1972, 1973, when the government promised to give us the overall development plan we were asking for. We never got it.

• (1540)

I can say that that framework is in place, since March 2003. Now we just need to find out if it is going to last. Are things going to get better? I do not know, because governments change and moods change as well. Unfortunately, there is no guarantee of continuity in law.

It is true that, in the action plan submitted by Minister Dion, it is no longer just Canadian Heritage responsible for coordinating the various departments and departmental responsibilities. Today, there is Canadian Heritage; there is Industry Canada; there could be a whole series of departments. The plan is clear, and the obligations are set out; what remains is to see if it will

yield results. There is an accountability framework, which is a good thing. I feel that it would be still better and more accountable, if section 41 of Part VII were judicable. At the present time, the law does not allow recourse to the courts. There are insufficient means and resources.

Bill S-11 would give the francophone and anglophone communities in minority situations the possibility of recourse to the courts if necessary.

No recourse equals no justice.

That is the message I wanted to leave with you today. I hope this bill will be passed. It would send a message to the linguistic communities that parliamentarians have faith in the future of linguistic duality in Canada.

On motion by Senator Beaudoin, debate adjourned.

[English]

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, April 3, 2003

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002, to examine and report upon Canada's possible adherence to the American Convention on Human Rights, respectfully requests for the purpose of this study that it be empowered to travel from place to place within and outside Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHIRLEY MAHEU
Chair

(For text of report, see today's Journals of the Senate, Appendix "G", p. 701.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Eymard G. Corbin: Before giving leave for the adoption of the report and since it will be debated later this day and not 48 hours from now, could we have a copy of the report for examination, please?

Senator Maheu: It is being distributed.

On motion of Senator Maheu, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Equipment, Furniture and Furnishings) presented in the Senate on April 2, 2003.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, I move the adoption of the report.

Hon. Eymard G. Corbin: Could we have some explanation?

Senator Bacon: Honourable senators, copies of the Senate policy on equipment, furniture and furnishings were sent to your offices yesterday. All senators have a copy. It has been amended to enhance and streamline the scale of entitlements for equipment to be in line with current requirements and to be in accordance with emerging technology. As background, the original policy was adopted in a report of the Standing Committee on Internal Economy, Budgets and Administration on October 1, 1997, and adopted by the Senate on November 19, 1997.

Hon. Colin Kenny: Honourable senators, for some of us, the report came yesterday. I think we should have an opportunity, at least, to review the report and study it before we vote on it.

On motion of Senator Kenny, debate adjourned.

FOURTEENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Telecommunications) presented in the Senate on April 2, 2003.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, I move the adoption of the report.

Hon. Colin Kenny: Could we have an explanation?

[*Translation*]

Senator Bacon: Honourable senators, I would like to point out once again that copies were sent to your offices yesterday. The present telecommunications policy has been in existence for over

14 years. You will understand that some services are no longer around and others have developed over the years as technologies evolve.

[*English*]

Over the years, as new tools and technology became available, requests for new products and services were different than the guidelines that were set under now outdated policy. These requests were reviewed on a case-by-case basis prior to their approval, since they were not included in the policy. In updating this policy, these particular requests were analyzed in an effort to bring the policy in line with today's standards.

[*Translation*]

Adoption of a revised telecommunications policy is required if we are to remedy the existing shortcomings and ensure implementation of mechanisms to ensure proper and fair application of the policy in future.

[*English*]

The proposed policy allows enough flexibility to be able to evolve with technology and to account for future growth, if deemed necessary, in senators' offices.

That is the explanation I can provide. Honourable senators have copies of the policy in their offices.

Hon. Tommy Banks: I have a question for the committee chair. I regret that I have not seen the report to which she refers.

• (1550)

Is it regarding the broadcasting of proceedings of Senate committees or does it refer to telecommunications in the sense of telephones or faxes?

Senator Bacon: It refers to faxes.

Senator Kenny: Honourable senators, while I am generally in favour of the revisions to which the honourable senator refers, I have not had an opportunity to study this report. Therefore, I would like to take its adjournment.

On motion of Senator Kenny, debate adjourned.

[*Translation*]

STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (document entitled "Santé en français—Pour un meilleur accès à des services de santé en français", tabled in the Senate on December 12, 2002.—(*Honourable Senator Pépín*).

Hon. Lucie Pépin: Honourable senators, following on the heels of Senator Morin, I am speaking today in support of the health initiatives in the Official Languages Action Plan. I heartily congratulate Minister Dion and all those who worked on this plan with him.

The Government of Canada's commitment to fostering the development of French and English linguistic minority communities is commendable. This action plan breathes new life into the reality of bilingualism, so often criticized these past few years. Like many Canadians, I am convinced that the resources and the mechanisms proposed in this report will promote bilingualism, one of the most precious aspects of our heritage.

I was extremely pleased to read in the action plan that \$119 million over five years would go to improving access to health care in minority areas. This money will go into networking, training and retention and the Primary Health Care Transition Fund.

The priorities in health care enumerated in the action plan are in keeping with the recommendations made by the Standing Senate Committee on Social Affairs, Science and Technology, of which I am honoured and pleased to be a member. You will recall that, in our report last December on "La santé en français", we felt it important to stress network development, the need for training activities and the establishment of organizational models for front line health care.

This new funding will help Health Canada to optimize its contribution to developing francophone and anglophone minority communities. Canadians living in minority communities really needed this.

The problems for francophone and anglophone minorities in accessing health care were clearly demonstrated by several committees created by the federal government. The two official languages advisory committees clearly explained the difficulties experienced by minority communities.

The anglophone minority community advisory committee put an end to one myth and noted that access to social services and health care in English is problematic in certain anglophone communities in Quebec, particularly those outside of greater Montreal.

The report entitled: "Santé en français: Pour un meilleur accès à des services de santé en français" paints a rather grim picture of francophone communities. In its study, the Consultative Committee for French-Speaking Minority Communities pointed out that more than half of the francophones living in a minority community have little or no access to health services in their language. The situation is much worse if we exclude Ottawa and Moncton, which are better served.

Of course, the lack of health services in their own language creates a lot of problems for these communities, from a health care point of view. This was confirmed at the hearings held by the Senate Social Affairs Committee during its study of the report entitled "Santé en français."

During these two days of hearing, we heard witnesses from Nova Scotia, New Brunswick, Prince Edward Island, Ontario, Manitoba, Alberta and British Columbia. These people are active in various sectors, including universities, associations and hospitals. They told us about serious shortcomings in terms of access to health services in their own language. I can tell you that their evidence was both very touching and upsetting.

Honourable senators, you will agree that it is only natural for anyone to wish to get services in one's own language, particularly when one is sick. French-speaking doctors and stakeholders in the health sector told us how important it is for francophone patients to get health services in their own language. As far as these witnesses were concerned, if a sick person cannot communicate in his mother tongue, this invariably leads to isolation — at the expense of that person's well-being.

Hubert Gauthier eloquently explained the problem. Mr. Gauthier is both the administrator of the Saint-Boniface Hospital, in Manitoba, and the co-chair of the Consultative Committee for French-Speaking Minority Communities. As such, he directed the work on access to health services in French for francophone minorities. In short, Mr. Gauthier is an expert on this issue.

He told us the following regarding the language in which health services are provided:

These patients often suffer from a number of diseases and from serious conditions. They are confused and afraid. They sometimes suffer from dementia and their relatives and friends must try to speak and act on their behalf. I cannot imagine providing the same care, ensuring the same degree of involvement on the part of patients and their relatives without being able to convey information and without understanding the nuances in their questions. Therefore, language is, in my opinion, an essential tool.

Dr. Denis Vincent also explained how important it is that his Franco-Albertan patients have access to services in French. For this Alberta doctor:

...access to health care in French is as important an issue for the development of francophone communities as the recognition of the right to French education."

What could be truer? It is unacceptable that people are experiencing this type of problem in a bilingual country such as ours. Anglophones and francophones living in minority linguistic communities belong here. They must have the right to obtain services in their language in areas as important as health and education.

Apparently in some areas, asking for health care services in one's own language is considered a nuisance. Clearly, anyone who is sick wants to avoid conflict, particularly when one's health precludes this luxury.

It is important to correct this with proactive solutions. We must encourage the establishment of places where people can be confident that health care services will be provided in their language. Certain witnesses told us that we must create places where people can feel that they can ask for services in French, and obtain them.

They must feel that when they walk through the door, physical or virtual, they feel that services are in French and that they are not being a nuisance when they ask for service in their language.

Another witness informed us that when services are offered in their language, francophones use them a great deal. I heard from this same witness that "when the offer is made, people talk about it, and there is a snowball effect."

This is the type of service we need to move toward. In areas where there are francophone and anglophone communities, people need to be able to say that such and such a centre offers services in the minority official language.

Dr. Vincent reminded us that it is possible to create health care centres with an atmosphere that is completely French, where anglophone clients can feel completely comfortable, and vice versa. I agree with him that by operating in such a manner, we can raise awareness among anglophones of the French fact.

I have noted that the action plan contained provision for new financing to facilitate access to primary care by minority communities. I am told that efforts to train bilingual medical personnel are looking very promising, but in the meantime I trust these additional resources will go to help recruit bilingual personnel in communities where the need is most urgent.

In our hearings we were told about multidisciplinary teams, travelling teams and arrangements to link up professionals via telemedicine or telephone. There are already examples in place for us to follow.

• (1600)

There are successful solutions already available as far as networking and training go. Although there are still some challenges, collaborative efforts and the sharing of expertise have produced major gains as far as training and community-to-community links are concerned. I again stress the necessity for each and every Canadian to have the opportunity to receive medical care in his or her language. When the end of life is approaching, people have the right to die in their language. We heard some witnesses speak of palliative care being provided by persons of the other language and some reported being forced to pray in the other language. We all know how unacceptable that is, both for francophones outside Quebec and anglophones in Quebec.

Honourable senators, although I focussed on health measures throughout this speech, my desire is to place emphasis on the need to see this plan implemented. It is particularly important for this new thrust for linguistic duality not to be met with disappointment. The combination of this action plan and the legislative measures on linguistic duality already in place indicates to me that now things are set up properly. I hope the various levels of government involved, as well as the community, all do what is expected of them. Care must be taken to avoid a repetition of situations like Montfort Hospital, where the Franco-Ontarians had to battle for close to five years before seeing their rights

confirmed. Preserving that hospital took a lot of courage and tenacity, coupled with francophone solidarity. Montfort has become, in my opinion, the example of something that must never be allowed to happen again. We need to avoid ever getting to that point again, especially if we are not lucky enough to have a Madame Lalonde in our community. I retain my optimism, however. The provinces' expressed desire for bilingualism and the determination shown by the federal government since the release of this action plan are good signs for the future.

[English]

The Hon. the Speaker: Is an honourable senator rising to put a question?

Hon. Consiglio Di Nino: I am, Your Honour.

The honourable senator made a strong and valid point that I support. However, as I listened to Senator Pépin, something came to mind that we should address in this chamber. I understood her to say that it should be the right of a citizen who is very ill to be able to receive care to the degree possible in his or her own language, which I totally support. I believe she was talking about the two official languages. The Leader of the Government in the Senate should take note of this because I will be asking some questions on this matter probably when we return after the April recess. Should we not attempt to provide this service for the large number of new immigrants who come to this country who have a similar problem, although I am not equating it to the bilingual nature of our country? Would the honourable senator agree that we should strive to provide the services for other language groups where reasonable, where appropriate and where the numbers would warrant?

[Translation]

Senator Pépin: This kind of service should indeed be provided to the sick, especially those who are seriously ill. In some places, it is currently provided by volunteers. We should look into that. This is definitely a priority, one of the most compassionate forms of assistance that can be provided.

On motion of Senator Ringuette, debate adjourned.

[English]

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *The Myth of Security at Canada's Airports*, deposited with the Clerk of the Senate on January 21, 2003.—(Honourable Senator Kenny).

Hon. Colin Kenny: Honourable senators, I will not speak at length to this item today. I know that Senator Atkins and Senator Banks wanted to speak further to it because they have some points of interest to make in respect of Canada's airports.

On motion of Senator Kenny, for Senator Atkins, debate adjourned to the next sitting of the Senate.

[Translation]

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee of the Library of Parliament table in the Senate on April 3, 2003.

Hon. Yves Morin moved the adoption of the report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Eymard G. Corbin: Honourable senators, I wish to call the attention of the Senate to page 7 of the Order Paper, under Reports of Committees, at Nos. 10 and 11 in English, and Nos. 11 and 12 in French, because the items are not numbered correctly. The wording of the items match, but they are numbered incorrectly.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Committee on Internal Economy, Budgets and Administration, presented in the Senate earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, your committee is pleased to have presented its fifteenth report, which deals with the release of funds to committees for the fiscal year 2003-2004. According to the "Procedural Guidelines for the Financial Operation of Senate Committees," it is the responsibility of the Standing Committee on Internal Economy, Budgets and Administration to report legislative budgets to the Senate. Special study budgets are to be reported by the committee undertaking the study. Therefore, the report before honourable senators does not include special study budgets. However, I believe that it is important for all senators to know the process that was followed in allocating funds for 2003-2004.

Committees have already submitted nearly \$3 million in requests and, given the nature of parliamentary work, it is likely that further requests will be received later in the year. The Senate

budget for committees is \$2.2 million. Of this amount, \$400,000 has been set aside for witness expenses and video-conferencing, leaving \$1.8 million available for distribution to committees.

Committee chairs were invited to appear to defend their budgets. In addition, committees were asked to help in looking for ways to reduce demands by reviewing their requests, in particular with respect to travel, and by indicating where cuts could be made or activities could be deferred.

I would like to thank those committees that took this request for assistance seriously and made suggestions that greatly facilitated the work of the Standing Committee on Internal Economy, Budgets and Administration. I would especially like to thank the Standing Senate Committees on Agriculture and Forestry, Foreign Affairs, Transport and Communications, Fisheries and Oceans, and Official Languages. These committees all had submitted budgets over \$200,000, and they were cooperative in volunteering to reduce or defer their demands. Their input was greatly appreciated.

• (1610)

In reviewing the budgets, the Committee on Internal Economy, Budgets and Administration was faced with a difficult task: to facilitate the work of committees while treating them equitably and respecting the fiscal framework. Clearly, some difficult decisions had to be made. I wish to assure honourable senators that we listened attentively to the presentations, including the priorities identified by the chairs. Consideration was given also to the timing of planned activities. Every line of every budget was reviewed to determine which demands could be funded at this time and in what amounts.

Particular attention was paid to requests for travel funding since it is the largest budget item in special study budgets. Your committee based its decisions on the following principles: public hearings should be funded to allow all members of the committee to participate; fact-finding trips within Canada or the United States should be funded to allow up to nine senators to travel. Historical data, as well as input from chairs, indicate this level of funding will be sufficient to cover the needs of committees and that funds should be released to allow the required staff identified by the committee to travel. I am not referring to political staff.

In order to act on these principles, it is necessary that there be a clawback process to ensure that funds allocated, but not used, for particular activities are returned for redistribution. Given that demand far exceeds supply, committees will not be permitted to hold on to surplus funds from one activity to be used for another. Your committee believes that this approach strikes a reasonable balance between giving committees flexibility to manage their own affairs and ensuring fairness and fiscal responsibility.

Other principles used by your committee include: funds for communications consultants are not to be granted for legislative budgets. A reasonable level of funding for communications consultants for special studies is recommended; conferences should be funded on a selective basis, based on whether the committee identified particular conferences and the priorities brought to the committee's attention.

By adopting the fifteenth report, the legislative budgets received today will be funded through to the end of the fiscal year. It should be noted that legislative budgets received cannot request funds for either fact-finding or public hearings, and the amount recommended for release in this report is \$179,752. With respect to special study budgets, committee chairs will report to the Senate with an appendix showing the amount recommended for release by the Internal Economy Committee.

If those reports are adopted, funds will have been released to allow committees to undertake their activities at least through the early fall. If all these reports are adopted, nearly \$1.7 million of the \$1.8 million available will have been released. After the summer adjournment, the Committee on Internal Economy will consider a further release, depending on express needs and the availability of funds.

I would like to thank all my colleagues on the Committee on Internal Economy, especially the members of the steering committee, as well as all senators who assisted us in this difficult endeavour. I move the adoption of the fifteenth report.

Hon. Colin Kenny: Honourable senators, I rise to comment on this report. It is exceedingly difficult to do so, given the short notice. The report arrived on our desks today and we have had little opportunity to reflect on it.

I am conscious of the fact that committees need funding; and that to slow down the approval of this funding would hamper the work of many committees in this chamber. Having said that, I think it is important to note that there are problems with the process that is going ahead with these reports.

The Internal Economy Committee has a difficult job. I have served on that committee on and off for more than a decade during my time in the Senate, including a period of about 18 months as chair. Consequently, I have great sympathy for the difficulty that the Chair of the Internal Economy Committee and her steering committee have in coming forward with budgets that serve all senators. Having said that, she and her colleagues started off behind the eight ball because of severe constraints on the amount of money that was available to dispense. It is exceedingly difficult, when we are faced with the constraints that we have as an institution, to adequately fund the work that senators want and need to do.

The other place has a significantly larger base, which gives them the capacity to do a great many things that we cannot do. That puts us at a disadvantage. Bluntly put, a 5 or 6 per cent increase in our budget is very different from a 5 or 6 per cent increase in the House of Commons' budget when you are counting dollars.

They have built significant cushions into their budget that we do not have. I have never seen an organization that could function without some contingency funds. It is a basic principle of good management. The Senate has not had the luxury of having a contingency in its budget for years. It does not make any sense that one can sit 12 or 14 months ahead of time and plan for everything that will come forward.

There are additional problems. The Chair of the Internal Economy Committee has described a proposal that calls for the reallocation of funds from one committee to another as the year goes forward. The concept is rational in theory, but in practice many trips and much of the work of Senate committees is planned well ahead of time. It is exceedingly difficult to make adjustments, as evidenced in the difficult circumstances we faced last February as a result of the prorogation. That is a classic example. Almost every second year, if you look back over the history of the Senate, we either have a prorogation or dissolution. Each time, there is an eight-week hiatus as we go through the process of renewing our orders of reference, taking them before the Internal Economy Committee, then via the Internal Economy Committee back before the Senate to be adopted. During that eight weeks, committees cannot function because either they do not have an order of reference or they do not have a budget.

That reduces our working time to around 40 days for the year. I know you would say, "No, we work much more than that." Most senators work five days a week, some six or seven. However, in terms of Senate sitting days, committees can be left with only 40 days. In a good year when there is no dissolution or prorogation, we might get up as high as 70 to 75 days of work in a year.

Honourable senators, when you take into account the difficulties of getting funding — starting with a \$1.8 million budget, when previous Internal Economy committees have noted that we need roughly \$2 million more — you know that committees will be operating under severe constraints.

The objective, I suppose, is not to lapse money at the end of the year. I do not see any sin in doing that. It goes back to Her Majesty, to the Consolidated Revenue Fund, and I do not see any difficulty in us finding additional funds so that committees can plan their work with a certain degree of confidence as we go through the course of the year. However, planning for a bit at a time, and then waiting to see what is going to happen in September — or if there will be anything left over as you get toward February — makes it exceedingly difficult for committees to form a rational work plan.

• (1620)

It is fair to say that the chair, her steering committee and the full committee have done the best job possible, given the limited funds they had to work with. However, honourable senators, \$1.8 million spread across all our various committees is not enough for them to be active throughout the year. It is clear that, if the Senate is to be able to function in an effective way, we will have to go back for supplementaries early in the fall. More than that, we will need a commitment from the leadership that we will seek those monies early in the fall.

Next, I should like to talk briefly about the importance of committee travel. It is a matter of some dispute within this chamber as to whether committees should travel or not. Everyone knows that it is far less expensive for a committee to bring its witnesses to Ottawa. Everyone also knows that committee costs can be further reduced by hearing witnesses via teleconference. However, if we adopt these attitudes, we send a negative message to the outer regions of what Senator Stewart called "TOMland" — that is, outside of the Toronto-Ottawa-Montreal triangle.

If we agree not to have our committees travel, that means that the people in Moose Jaw, in Rimouski, or Grand Falls, New Brunswick, will never have a Senate committee visit their region. The Senate is based on regional representation; as such, we should get out of here and go there.

By visiting those places, people come to know that the Senate is alive. The people in those regions get to talk to us face to face. This attitude that everyone should come to Ottawa and appear before us is wrong. By travelling, we get a different flavour and a different attitude; we get to talk to people in their own backyards. I am not talking about the big cities; I am talking about the Cold Lakes, the Val d'Ors, the Sherbrookes, the Trentons and those sorts of places. Committees must get out and have a look around.

I also take issue with the concept that different-sized committees should be travelling to different places. I have no use for that idea at all. People do not join a committee only to attend hearings in Ottawa. If a committee travels, all members should travel with the committee. Senators should expect their colleagues to return from their travels and to explain what happened. The whole committee should travel. A senator who is a member of a committee should travel with the committee, should visit different areas with the committee.

It is a false economy for us to say that a full committee is needed if it is conducting a hearing but that only part of a committee is needed if it is on a fact-finding mission. The committees I have served on have found out much more when they are fact-finding, poking around and asking the difficult questions, than when they are sitting behind a podium in a formal setting, with translators and reporters present. That is all very posh. However, I must tell honourable senators that when they get out, get their boots muddy and start wandering around and asking questions, that is when people see the Senate working and that is when the Senate counts.

All members of committees should be travelling when they are out there.

I have no time for this business of cutting back on staff either. Committees need staff. We need professional advice; we also need people who can interpret, if you will, when we are getting snowed. We need experts who understand the reality of the testimony we receive and who can tell us that there is another point of view. These experts can say to the committee: "You have heard this witness, but I know more about the background of this witness than the committee does. I also know that there are three other experts over here who do not agree with him. You might like to hear what these other experts have to say."

We need to have this sort of support with us. I am happy to see this funding go forward, because I think the Senate needs to get working and be working. I do not want it go through another eight weeks like we did in the fall, where we all sat here glued to our chairs because no one had an order of reference or a budget. We have orders of reference now. Senator Bacon has been kind enough to get a budget. Since she cannot blow her horn, I will. To

her credit, she was working into the night last night to make this happen, and I think she worked into the previous night to make this happen.

I do not want to hold up this funding; however, I do want to make the point that the way these budgets come forward is not satisfactory. I must also comment on the fact that, as part of these guidelines, there is a suggestion that chairs of committees should appear only once before Internal Economy. That is not acceptable. That is not working; that is not a collaborative approach. A collaborative approach is one where there is a dialogue between committees and Internal Economy. Internal Economy should be there to help committees solve these problems, and committees should be there to describe to Internal Economy the nature of the problems. It is important that this dialogue be ongoing.

Honourable senators, I am the recipient of a letter saying that Internal Economy has all the information it needs to make a decision. Well, that is terrific. However, I would still like to sit down and chat with Internal Economy from time to time; I think that is an important exercise for us to go through.

I do not think this issue will live or die on my remarks today, but I do want to serve notice that we, as an institution, need to discuss these matters further. We need to discuss further whether there is a consensus in this chamber that travelling to hear the views of Canadians firsthand is of value. Honourable senators have to stand up and say, "No, make the witnesses come to Ottawa," or "Yes, I would like to go out and hear people's views firsthand." Honourable senators must also express their views as to whether committees should always hold formal hearing, or whether there should be fact-finding missions. We have to think carefully about the impact we make on Canadians when we do get out of Ottawa. I look up at the galleries. I have no clue who is up there, but I can judge.

I must say that we are in a real bind in this place. Our two analogue air packs break down every day. We need to get television into all of our committee rooms. We have two more coming online, digital ones. They cost \$3 million each. That is a lot of money, no question about it; however, if we can televise our proceedings, people will see where we are going, what we are doing. This is key to the future of the Senate. People must see us working. It would help to stop the Jack Aubrys of this world from writing nonsense, from saying that if we are not actually sitting here we are not working. It is like saying to him: "Jack, if we do not see your byline in the paper, it must mean that you are not working either." That is nonsense.

The Senate does very well when it is sitting and when it is travelling. We must demonstrate on an ongoing basis that we are working. One of the ways of doing that is by getting the committees out. It is expensive; honourable senators cannot take a committee to the West Coast for less than \$90,000. Will we write off B.C.? We cannot take a committee to the Maritimes for less than \$70,000. Will we write them off? We need to have committees there on a regular basis. There is no reason for not having a couple of committees travelling every month. We would be none the worse for it.

In fact, I found a remarkable appetite for people to travel during the summer. To have four or five committees travelling over the course of the summer, frankly, is well received and it compares well with what they are doing in the other place.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired.

Senator Kenny: I will wrap up quickly.

Hon. Senators: Agreed.

Senator Kenny: I appreciate it. I do not want to take up much more of your time. I simply want to say I believe we should support Senator Bacon today. We should adopt the report.

• (1630)

However, let us commence a debate amongst ourselves about what sort of Senate we want. Do we want to get out? Do we want to touch Canadians where they live? Do we want to ensure that our work here is televised, so that people can judge us, not on the basis of myth and rumour, but on the basis of fact and what we are actually doing? Let them see us out there working, and the reputation of the Senate will take care of itself. Let us begin this discussion, and let us see whether we can make this institution more relevant through our work and by our work.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, in my years as a senator, I have had the opportunity to attend meetings of the Standing Senate Committee on Internal Economy, Budgets and Administration without being a member of this committee. I am not afraid to say that I enjoy witnessing the extraordinary skill of the committee's chair, the Honourable Lise Bacon. Senator Bacon ran the affairs of Quebec in her capacity as the Deputy Premier during the illness of Premier Robert Bourassa. She had a firm-hand management style, and I always regretted her not succeeding Mr. Bourassa. I would have been her number one supporter. Since Senator Bacon was able to manage the affairs of Quebec well under difficult circumstances, I am confident that she has the expertise required to properly manage the Standing Senate Committee on Internal Economy, Budgets and Administration; the committee's budget, after all, accounts for only a minute portion of the budget she had to administer in Quebec.

I agree with some of Senator Kenny's statements. I do not have any complaints, but I would like to settle this problem regarding the Standing Senate Committee on Banking, Trade and Commerce. I do not particularly care for the cavalier way in which a trip — to Washington, for example — is often decided upon without all members of the committee being aware of it. First they say six senators, three from the opposition and three from the government, are to go on the trip. Then they change their minds and four senators from one side and four from the other are supposed to go, but no one remembers to consult the independent senator who sits on the committee. He is not consulted. He comes back to the committee never even knowing that a trip has been planned. He could have applied to go on the

trip at least, and might or might not have been rejected. I do not say that I want to succeed all the time, but at least I would like to have the privilege of applying and being properly refused.

There is much that is true in Senator Kenny's statement. Still, with regard to the Internal Economy, Budgets and Administration Committee, I will always be in attendance, even though I am not a member, in order to lend my support to the current chair, who, I believe, knows just what each person wants. She has a certain budget that she must stick to. She cannot do more than she has resources for. When she is given a bigger budget, I am certain that all the needs of the honourable senators will be met. I know that she has carefully taken note of the suggestions that have been made. I know that she will fight to get a bigger budget, so that everyone can be satisfied.

[English]

Hon. Willie Adams: I have a question for the Chair of Standing Committee on Internal Economy, Budgets and Administration. During the last several years, I have received invitations from rural associations in other countries. Senator Watt and I put before Internal Economy several requests, one for New Zealand and one for Greenland. We were turned down because we were told we were not committees of the Senate.

In the future, when we receive invitations to represent Canada at rural associations in other countries such as Iceland, Japan, the Philippines, I would like us to consider those requests. We have had invitations from these associations, and we have been turned down. I was wondering if Internal Economy could look into that issue sometime in the future.

Senator Bacon: All I can say is that I will take notice of the honourable senator's request, and I will take it to my colleagues. Those events happened under a previous chairmanship. I will look into it.

Hon. Anne C. Cools: Honourable senators, my question is for Senator Bacon. Before I put my question, I should like to thank her on behalf of most of us, I think, for what I would consider to be her continuing industry. Senator Bacon has had a reputation for many years of being diligent, earnest and hard-working. Those senators who attend to this business of looking after our internal economy quite often go unsung. The issues are about the tedium of running the place, the nuts and bolts. I thank her for her years of work.

I was looking at the report. It is a good report, and it is hard to disagree with it. It seems to be essentially tracking the legislative needs of committees. The sums are laid out neatly.

I am curious about two items that seem to be somewhat new. They are stuck in the middle of the report. The first item is on page 2 of the report, and the second is on page 3. Perhaps I will speak to them separately, and Senator Bacon can explain them to us. It seems these items are independent and could almost have come forward for consideration and vote separately, rather than being tacked on within a report that is, to my mind, relatively straightforward.

[Senator Kenny]

Turning to page 3 of the report, I cite the report:

Your Committee recommends that there be a strict clawback process, whereby any funds remaining following the conclusion of an activity, in particular travel for public hearings and/or fact-finding, will be returned to the central budget for redistribution by the Committee on Internal Economy, Budgets and Administration. This will be done in such a way that committees will not have to volunteer the return of funds.

This seems to be a strange choice of words — “clawback.” It says it should be done involuntarily. I wonder if Senator Bacon could explain that more. If a committee does not use money, it seems self-evident that the money should be returned. What I do not understand is that that should be treated as clawback. The term “clawback” seems to suggest not a return of the money but that someone could just reach out and decide that they should pull money back from a committee. Could that be explained? It does sound odd. It is a principle of the business that we are in that money should be used for the purposes for which it is obtained. This is such a profound point that I think it would have been better introduced outside the report as a separate issue for debate.

The other point I should like to inquire about is found at page 2 under Standing Senate Committee on Legal and Constitutional Affairs, Item No. 5. It says that the total includes a dollar amount for professional advice, including legal advice. Then it says:

It must be noted that any person hired by the Committee to provide assistance to it cannot be given the title of Legal Counsel to the Senate or to the Committee, since the Senate Law Clerk and Parliamentary Counsel is Legal Counsel to all Senate committees.

I can understand clearly that any lawyer, legal person or legal-like person working for the committee or advising the committee could not employ the term “Legal Counsel of the Senate.” However, I have some difficulty understanding why the Law Clerk of the Senate is involved in the committee. For example, here in this chamber we have the Clerk of the Senate. We also have clerks of committees. Following that logic, one could not call those persons doing those activities clerks of the committees, because the Clerk of the Senate is theoretically clerk of all committees as well. This issue could have been debated by itself. Perhaps it is that the clerks of committee are not really clerks at all. Perhaps there is only one clerk, being the Clerk of the Senate. I am wondering why a topic as profound as that would be just tagged into the prose of the report and not brought forward as a question deserving of debate, consideration, opinion and vote. I am curious as to why we proceeded in this way.

• (1640)

Senator Bacon: Honourable senators, we included this item here because we thought it was important for everyone to know that nobody can use the title of legal counsel to the Senate except Mr. Audcent, who is our legal counsel. It was known that some people do that if they are hired to give legal advice to committees. They use the title “legal counsel” outside the Senate but they are

not entitled to. We wanted to be clear that we have only one legal counsel to the Senate and that is Mr. Audcent.

Senator Cools: I understand that. However, the recommendation goes on to speak about the committee. I have served on committees that have had legal counsel for periods of time. There is a major difference between someone counselling the committee or giving advice to the committee and occupying that position.

I understand Mr. Audcent is not only the Law Clerk of the Senate; he is, I believe, the law clerk of all of Parliament, as is our Clerk the Clerk of the Parliaments. However, it does sound somewhat self-serving here. I do not know how we can do it because the time is late. That question should have been decided on its own.

Senator Kenny’s words are correct and profound. He says, for example, that senators need more support and more assistance. I will give you an example. The complexity and the enormity of the Estimates and the Public Accounts are so great that honourable senators or members of Parliament could use the services of a few chartered accountants in the pool of resources. I do not know how to proceed with that. If this issue was of concern, it could have been brought forward outside the report. It seems to be a matter worthy of debate. Everything else in the report is so eminently sensible and of common sense.

The committee report here goes farther than the Law Clerk of the Senate. It speaks to the committees. I do not know exactly what the issue is here. Is it the title? I do not know, but I see some problems there.

Senator Bacon: Nobody else can use the title of legal counsel to the Senate but the legal counsel to the Senate, who is Mr. Audcent. We wanted to ensure that nobody else would use this title. That is why we put it there. We should leave it there because of the experience that we have had.

Of course, Mr. Audcent is also the legal counsel to all committees. If a committee hires a legal counsel, he is not a legal counsel to the Senate; he or she is legal counsel to a committee while they are studying a specific piece of legislation.

Senator Cools: Was the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs consulted on this particular point in this report?

Senator Bacon: This was discussed by the steering committee including the Chair of the Legal Committee.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Sixth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented in the Senate on April 3, 2003.

Hon. Tommy Banks, moved the adoption of the report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Foreign Affairs, presented in the Senate on April 3, 2003.

Hon. Consiglio Di Nino: Honourable senators, I move adoption of the report.

The Hon. the Speaker pro tempore: Honourable senators, is it your pleasure to adopt the motion?

Hon. Marcel Prud'homme: Honourable senators, I know that we cannot question the chair. I have been reminded of that before. I know that we are not supposed take notice of people who are not here. After all, we have just enough people to continue our work. However, now, the official spokesperson for the Standing Senate Committee on Foreign Affairs is putting forth a budget dealing with the committee's activity. Does the committee plan, over the next three weeks when we will most likely be absent, to hold a briefing, a meeting, or to call witnesses on the very tragic situation in the Middle East? We need to be a bit better informed than those who only watch CNN. Thank goodness I watch TV5, CNN, the BBC and all the rest. It would be good if we could go directly to the source to find out where the government stands on certain issues, the position of the bureaucracy and to learn where the budget will come from. Only a good committee can do that. Only the honourable senator with his intelligence, sagacity and brightness could convince the committee to call us. There are more people interested in this issue than you may think.

Senator Di Nino: In response to Senator Prud'homme, I will take his request to the steering committee meeting that I expect will be held next week.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Aboriginal Peoples, presented in the Senate on April 3, 2003.

Hon. Maria Chaput, moved the adoption of the report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Ninth Report of the Standing Senate Committee on Social Affairs, Science and Technology, presented in the Senate on April 3, 2003.

Hon. Joyce Fairbairn, moved the adoption of the report.

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Standing Senate Committee on Human Rights, presented in the Senate on April 3, 2003.

Hon. Shirley Maheu: Honourable senators, I move adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

• (1650)

Hon. Colin Kenny: Could we hear about the report briefly?

Senator Maheu: Honourable senators have a copy of the report on their desk. The report covers one trip to a university group in Saguenay, Lac St-Jean. The first two items on the report relate to a consultant in communications. The consultant is to look at the report of the committee last year, and the same applies to the editing of the report.

Are there any more questions?

An Hon. Senator: Question!

[Translation]

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

It was moved by the Honourable Senator Maheu and seconded by the Honourable Senator Bacon, that the report of the committee be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

MOTION TO AUTHORIZE COMMITTEE TO
STUDY LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Bacon:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003.—(*Honourable Senator Carney, P.C.*)

Hon. Pat Carney: Honourable senators, I rise to speak to the motion that authorizes the Standing Senate Committee on Human Rights to examine and report on key legal issues affecting matrimonial real property on Indian reserves on marriage breakdown, including common law relationships and the policy context surrounding these issues. I will speak to my serious concerns about how the Senate and we, as senators, are treating this important issue.

Years ago, we made a mistake on a similar Aboriginal issue. I refer to my colleague Senator Gauthier's comment earlier today that continuity is not assured in the matter of rights. There is a continuity assured for Aboriginal rights that they receive inadequate attention.

This motion is in response to the request by Indian Affairs and Northern Development Minister Robert Nault to undertake a "short-term" study of the division of on-reserve matrimonial property. Issues to be examined include jurisdictional divisions between provincial and federal laws, the practice of land

allotment on reserves, the status of spouses — that is a key issue — and how real property is divided on the breakdown of relationships. The committee is asked to suggest possible solutions to the Senate no later than June 27, 2003.

I am pleased that the Government of Canada has finally recognized the need to take action on key issues affecting the subject of on-reserve matrimonial real property on the breakdown of marriage or common law relationships, which is a matter of crucial concern to many Aboriginal women who have been unable to access their property rights under legislation.

It is a shocking reality that Aboriginal women do not have the same protection that is provided to other Canadian women. Aboriginal women and their children are the most discriminated-against group in Canada. Under the Indian Act, Canada's precious Charter of Rights does not apply to them.

Since the Supreme Court has ruled that provincial family laws do not apply on Indian reserves and federal legislation, like the Indian Act, does not make specific regulations for the division of reserve property upon divorce or separation, most Indian women are left with no legal rights to occupy their family home, keep household goods, or bar an abusive partner.

Honourable senators, I have serious concerns about the process that we are being asked to adopt in dealing with this complex issue. First, there is the time schedule. The Senate will not meet next week, nor is the Human Rights Committee scheduled. There is then the two-week Easter break. It will be the end of April or the beginning of May before this matter will be addressed in committee. The Deputy Leader of the Government, Senator Robichaud, has already expressed his view that the June 27 date is "rather late." He has asked that all committees report when the Senate is still sitting, before the summer break.

Honourable senators, this is a ludicrous timetable for this extremely important subject. It effectively leaves only a few weeks to consider this vital issue. Consider how long this chamber has dealt with changes to divorce legislation and custody issues affecting mainstream Canadians. Why should Aboriginal women be treated with any less respect and consideration?

Aboriginal women are divided in their views on the manner in which division of matrimonial property should be treated. Some women want rights similar to non-Aboriginal women in Canada; others wish the issue to be dealt with by band councils under self-governance provisions. How can this timetable possibly accommodate consultations across Canada with the Aboriginal women themselves?

My second concern is the referral of the minister's request to the Standing Senate Committee on Human Rights. This is a new committee chaired by the very able Senator Maheu and consisting of some outstanding senators in their fields. However, in my view, the issue of on-reserve matrimonial rights is part and parcel of the revisions to the Indian Act proposed by Minister Nault in Bill C-7, which deals with various self-governance issues, including the powers assigned to band councils and leadership selection, that is before the other place and will be reviewed by the Standing Senate Committee on Aboriginal Peoples.

Consideration of these legal rights cannot be taken out of context of the complex and cultural realities of Aboriginal people. For example, Minister Nault's letter specifically states:

Any study of this issue should take into consideration the diversity of needs and limited resources of First Nations governments while —

— and, this is the point —

— keeping in mind that reserve lands must remain for the use and benefits of Indians for which they were set aside.

That is the problem, the problem of status, which he also referred to in his reference letter. Who is an Indian under the complex classification of "Aboriginal people" as dictated by the Indian Act? These include on-reserve status Indians, off-reserve status Indians, non-status Indians and Metis. Non-status Indians do not have the same rights as status Indians. They are often denied their property rights, band membership, access to on-reserve housing, health services, welfare and educational assistance.

In the Aboriginal Peoples Committee last night, we were told by New Brunswick Chief Betty Ann Lavallée that a large share of the population on many reserves is made up of non-status children. There is concern that in 10 or 20 years most of the reserves will be populated totally by non-status children. She told us that "They refer to them as 'ghosties'"; that is, reserves haunted by the ghosts of vanished Indians replaced by non-status children. "What will happen then?" asked Chief Lavallée. She went on to say:

If that does happen, the minister has the power to go in there and say, "There are no real Indians living there. Therefore, this reserve is no longer required." He can legislate that reserve out of existence. There goes a nation of people.

Honourable senators, in B.C. we are negotiating treaties with First Nations involving huge areas of land, natural resources and money; yet, under existing Canadian law, some of these First Nations will no longer exist. To echo Chief Lavallée: What will happen then?

Honourable senators, you may ask: Who created this deplorable situation? Well, we did — the Parliament of Canada, including the Senate of Canada. We effectively set in motion the annihilation of Aboriginal nations when we passed Bill C-31, An Act to amend the Indian Act, in 1985.

I was one of the women MPs who were mobilized by then House of Commons Speaker Jeanne Sauvé, the first woman Speaker of the House, to restore status and band membership rights to Aboriginal women who were married off reserve to non-Indians and to increase control by Indian bands of their own affairs. We thought we had done the right thing, even a noble thing. Instead, we created a nest of nastiness. Under the old act, Indian status usually meant band membership. Band membership privileges included the right to live on the reserve, to vote in band elections, to own and inherit property and to have a share of income from band resources.

[Senator Carney]

Under Bill C-31, Indian status and band membership were separated, giving bands the right to control their own membership based on their own membership rules. The government also established a system to classify Aboriginals, depending partly on marital status. One result is that some people were eligible for Indian status but not for band membership. Some may be accepted for band membership but not for Indian status. Still others are eligible for both band membership and Indian status.

• (1700)

The government of the time explained that subsections 6(1) and 6(2) define who is entitled to be registered as a status Indian — and who is not — in the Indian register maintained by the Indian Registrar at Indian and Northern Affairs. The very language makes my skin crawl. There are pages and pages of regulations classifying Aboriginal people.

All of those already registered in the Indian register, whether entitled or not, were classified as 6(1). Children of 6(1) persons were able to inherit the status. Children who had only one 6(1) parent, however, were registered as 6(2). After the second generation, children of 6(2) parents fall off the registration list entirely, no longer considered to be Aboriginal. New Brunswick Chief Lavallée says:

We are like cattle. We are being graded, A, B and C. I am a grade C because I am a 6(2)."

Let us see how that plays out in the real world inhabited by Aboriginals. At last night's committee meeting, urban Aboriginal youth activist Stephanie Bolger of New Brunswick, a 27-year-old mother of two daughters, said that the registration policy under the Indian Act is an overwhelming issue that many young Aboriginal people are only recently becoming aware of. She told us:

To me, the Indian Act is one of the most repulsive and racist pieces of legislation. Nothing or no one will tell me that my child is or is not an Aboriginal person. How can one nation be so bold as to tell another nation who their citizens are and what their citizenship requirements are? What other nation would allow such a thing? This issue affects all Aboriginal people, especially youth today and their children.

She said:

We are literally being legislated out of existence, assimilated by the pen rather than the sword.

She went on to tell us what being a non-Indian means. She said:

It means being denied health benefits and post-secondary education. It means harassment when trying to exercise traditional hunting and fishing rights. It means being stigmatized by your own people as not being Indian enough. It means being denied access to other programs and services... Where is the justice for the youth and children of our Aboriginal nations?

Asked about her own status, Ms. Bolger said:

Personally, I am a 6(2). I have status, but I am not able to pass it on unless I marry an Aboriginal man with status.

It has affected me personally because I have two daughters. One is status and one is non-status. That will give rise to some big issues because one receives health benefits while the other does not. One might be entitled to post-secondary education through the reserve while the other one will not be. It will create a lot of problems for me personally.

She added:

Many of the youth with whom I work are non-status. Therefore, they are not entitled to some of the things to which I am entitled. Nor are their children entitled to these things. It is becoming a big issue. I find it creates a lot of division between us.

Chief Lavallée told us:

I am a 6(2). My son is not entitled to registration under the Indian Act. My husband adopted him when we were married. The only way I could have had him registered under the Indian Act was to deny his parental line. Excuse the expression, please, but I would have had to declare my son a bastard to have him registered under the Indian Act. I refused to do that.

Chief Lavallée added:

We are the only women that I know who have non-Aboriginal babies. If you are a Chinese woman and you have a baby, your child is considered to be Chinese. If you are a Mexican woman and you have a baby, your baby is considered to be Mexican. We are the only women of the world of whom I know that, when we have babies, they are considered not to be of their mother's heritage. I find that repulsive.

She told us:

There are some things we can control in life. Whom our children marry is not one of them.

She feels that we should be advocating an Aboriginal peoples act and allow Aboriginals to decide who are Aboriginals, not a registrar in Indian Affairs.

Honourable senators, let us square this circle. We cannot separate the issue of on-reserve Indian women's property and matrimonial rights from the issue of who is an Indian and who is not. That is why this reference should be studied by the Aboriginal Peoples Committee. Similarly, the preamble of Bill C-7, the one on self-governance that Minister Nault is proposing, for the first time states that the Canadian Charter of Rights and Freedoms applies to the exercise of powers under the new bill. According to Minister Nault, it is the first time that First Nations citizens who live on reserves have been specifically included under the Charter.

Some Aboriginal women feel the bill will include watered-down Charter rights to accommodate self-government provisions in the Canadian Constitution. Some Aboriginals agree and some do not.

Clearly, all of these matters must be considered in context by the same committee and over sufficient time.

I am told by Senator Carstairs that this vital and difficult issue has been referred to the Standing Senate Committee on Human Rights because the Standing Senate Committee on Aboriginal Peoples does not have the time; yet, the Chair of the Aboriginal Peoples Committee, Senator Chalifoux, will be assigned to the Human Rights Committee when it studies the on-reserve matrimonial rights issue.

There is something wrong with this picture. If the Aboriginal Peoples Committee is too busy to deal with this issue, how can its chair find the time to sit on another committee dealing with an Aboriginal issue? What is the rush? Bill C-7, the framework bill, which should incorporate these issues of matrimonial and other rights and status affecting Aboriginal women, is still before the committee in the other place. It is not even on the Senate legislative radar screen.

Honourable senators, Parliament essentially and brutally stripped some Aboriginal women and children who are Canadian citizens of their Charter rights under the Canadian Constitution because we did not understand what we were doing. By attempting to ensure that Indian women who had married non-Indian men could regain their Indian status for themselves and their children, we did it wrong. This time, let us take the time to do it right.

MOTION IN AMENDMENT

Hon. Pat Carney: Therefore, honourable senators, I move:

That the motion be amended in the first paragraph thereof by replacing the words "Standing Senate Committee on Human Rights" by the words "Standing Senate Committee on Aboriginal Peoples"; and

That the reporting date be no later than March 31, 2004, rather than June 27, 2003.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I welcome the opportunity to participate in this debate. I would first like to set forth the process by which this original motion was put before us and to indicate why I do not support the amendment that has been introduced by the Honourable Senator Carney.

This issue was brought to my attention by the Honourable Robert Nault, Minister of Indian Affairs and Northern Development. He indicated a grave need to study this issue. He asked me what committee I thought should have this particular work. Of course, I first thought of the Aboriginal Peoples Committee, but it was not the only committee that I considered. I think we make a very serious error if we believe that it is only the Aboriginal Peoples Committee that can study issues of importance to Aboriginal people. Therefore, I looked at the Human Rights Committee and the Legal and Constitutional Affairs Committee as perhaps other venues where this issue could be thoroughly canvassed and discussed.

• (1710)

As the Leader of the Government, in looking at the agenda — some of which I know more in advance of others in this place — I realized that the legislative load and burden of both the Aboriginal Peoples Committee and the Legal and Constitutional Affairs Committee were going to be heavy. A number of pieces of legislation, for example, will be referred to the Aboriginal Peoples Committee, in addition to its Aboriginal youth study, which is underway.

Of course, as Senator Carney pointed out, the Aboriginal Peoples Committee will eventually receive Bill C-7, the proposed First Nations Governance Act. Today, the committee received Bill C-6, the proposed Special Claims Resolution Act. The committee will also receive Bill C-19, the proposed First Nations Fiscal and Statistical Management Act.

Hence, honourable senators, it is for that very reason, to ease the workload of the committee, that, while I would normally have referred Bill C-2, the proposed Yukon Environmental and Socio-Economic Assessment Act, to the Aboriginal Committee, I chose to refer it to Standing Senate Committee on Energy, the Environment and Natural Resources.

In looking at the agenda of the Legal and Constitutional Affairs Committee, I discovered that that committee also faces an extremely heavy workload. It has Bill C-10B before it, the cruelty to animals bill. It has also before it two private members bills, the proposed National Acadian Day Act and the proposed Statutes Repeal Act. In addition to that, Legal and Constitutional Affairs is expecting Bill C-24, the political financing bill, Bill C-20, the protection of children bill, Bill C-22, dealing with family orders and divorce, and Bill C-23, the proposed Sex Offender Information Registration Act. That committee will be more than fully occupied with respect to its legislative schedule.

Therefore, honourable senators, I turned to a new committee, as the Honourable Senator Carney has said, a committee under the able chairmanship of Senator Maheu and one that includes senators that I know are held in extremely high respect, as are all senators in this particular chamber. I wanted to look at the membership, though, because some of the issues that will be engaged should be represented on that committee. For example, I wanted to have someone like Senator Beaudoin, a constitutional expert, as a member of this committee, and he is a member of this committee. I wanted to ensure that someone with an historic knowledge and a background like Senator LaPierre was on the committee, and he is indeed on this committee.

I wanted to ensure that there was broad representation from coast to coast to coast, and that is represented on the committee, although I must say with a heavy emphasis on those provinces in which there are the greatest numbers of Aboriginal peoples. I asked Senator Chalifoux if she would be prepared to be a member of this committee during its study and its deliberations, and because the Committee on Human Rights meets on Mondays when her Aboriginal Committee does not meet, she agreed. I also have an agreement with one of the other Liberal members on the committee to defer their membership to Senator Chalifoux, for the purposes of this study. I believe, in balance, that this is the right committee to which this particular study should be sent.

Now the honourable senator raises the issue of timing. Like the honourable senator, I think June may be much too soon for the committee to perform its study. However, there is a great tradition in this Senate of extending the dates for when a particular committee should table its report. I also know full well the experience of having a deadline in one's mind that gets one focused and down to hard work. Therefore, I am not particularly concerned that the report has a time date of June 27. I do not suspect it will make that time date. I expect the committee will come to the Senate in early June, if not sooner, and indicate that it has the full agenda of this study laid before it and cannot possibly complete it by the June 27 date. I expect the committee will ask for an extension and that we will be more than willing if necessary, and if they request it, to grant that extension.

Honourable senators, there have been a great many studies done in this particular field. The Senate committee will have access to each and every one of those studies. The Human Rights Committee will not be starting from scratch; it will be building on good work that has already been done.

The issue that Senator Carney raises, which is an important one, the relationship this will have to Bill C-7, is important, because there will be so many issues that will have to be studied within the context of Bill C-7 that I am afraid the marital property issue will get very short shrift. Therefore, it would be extremely useful, when the Aboriginal Peoples Committee begins to study Bill C-7, for the members of that committee to observe the testimony and in fact, if they so desire, take that testimony into their committee. It is an acceptable process here for one committee's testimony to be considered having been heard by the other committee. I see real advantages for this going on in two committees at the same time. I think it will serve our Aboriginal peoples well, but let me conclude with how I began.

I believe we make a very serious error if we believe that the only committee that can study Aboriginal peoples is the Aboriginal Peoples Committee. This was one of the major reasons given for why such a committee should not have been established in the first place. There was genuine concern by our Aboriginal senators that they would be sidelined to one committee and that their issues would be sidelined to one committee. That we must never do.

Hon. Terry Stratton: Honourable senators, I should like to adjourn the debate in the name of Senator Rossiter.

An Hon. Senator: No.

The Hon. the Speaker pro tempore: It is moved by the Honourable Stratton, seconded by the Honourable Senator Keon, that further debate on this motion be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: No.

The Hon. the Speaker pro tempore: Will all those honourable senators in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will all those honourable senators opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the yeas have it.

On motion of Senator Stratton, for Senator Rossiter, debate adjourned, on division.

[Translation]

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the difficulties of the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.—(*Honourable Senator Chaput*).

Hon. Maria Chaput: Honourable senators, I rise today to take part in this debate on the inquiry by the Honourable Senator Gauthier, specifically on the difficulties of the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.

As Canadians, we share fundamental values, and these values include, in particular, a commitment to being inclusive.

All persons with disabilities need assistance to integrate, and each type of disability presents unique difficulties. The deaf and hard of hearing are people of all ages and all walks of life. Some of them have had one or more physical limitations since birth. Their disability is the result of a disease, an accident or ageing. In 1991, 15.5 per cent of all Canadians, some 4.2 million people, reported having a disability. In 1991, among individuals using public transportation, 31 per cent suffered from some degree of hearing loss. Of all disabled children between birth and age four, 12 per cent have hearing problems. It is important not to forget that Canada has an aging population and that hearing problems increase with age.

Honourable senators, public transportation is an important part of our lives. Whether it is for business, pleasure or educational purposes, travel should be relaxing and comfortable. Persons with a hearing problem face numerous obstacles that make travelling difficult, frustrating and even dangerous.

• (1720)

Hearing-impaired people are full-fledged citizens. They must have access to all the information, to all the communications and, more importantly, to all the safety procedures in public conveyances, including in aircraft, on the ground or on ships.

In 1999, the Government of Canada made a commitment before Parliament to report on the progress made to meet the needs of disabled people in Canada. A report entitled "In Unison: A Canadian Approach to Disabilities Issues" was published in 2001 on behalf of the federal, provincial and territorial ministers responsible for social services. This report is a major step in the concerted efforts of over 30 federal departments and agencies to provide the most comprehensive picture of government services and programs, and their impact on the lives of people with disabilities.

This report deals with the objectives pursued and the corresponding indicators. It describes the indicators that allow us to measure the progress made by those who try to ensure that disabled people get the help and tools that they need. The report also looks at the research being done to put in place accessible means of transportation.

All Canadians, including people with disabilities, have rights and responsibilities under the Canadian Charter of Rights and Freedoms.

Honourable senators, I do hope that the policies and programs of our governments and partners will contribute significantly to ensuring that people with disabilities can exert their rights. A lot remains to be done to solve the numerous problems that confront hearing-impaired people who have to use public transportation and who have the legal right to receive the information and safety procedures that are available to all Canadians.

On motion of Senator Robichaud, for Senator Corbin, debate adjourned.

[English]

ROYAL ASSENT

The Hon. the Speaker *pro tempore* informed the Senate that the following communication had been received:

RIDEAU HALL

April 3, 2003

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 3rd day of April 2003, at 4:35 p.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to, Thursday, April 3, 2003:

An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act (*Bill C-3, Chapter 5, 2003*).

An Act respecting a national day of remembrance of the Battle of Vimy Ridge (*Bill C-227, Chapter 6, 2003*).

GREECE

MOTION TO ENCOURAGE THE UNITED KINGDOM TO RETURN PARTHENON MARBLES— DEBATE ADJOURNED

Hon. Shirley Maheu, pursuant to notice of December 12, 2002, moved:

That the Senate calls on the Government of Canada to encourage the Government of the United Kingdom to cause the return of the Parthenon Marbles to Greece in time for the Opening Ceremony of the 2004 Olympic Games in Athens.

She said: Honourable senators, many of you are already aware that the Parthenon Marbles, also named the Elgin Marbles by the British government, are a collection of Greek antiquities that were removed from the Parthenon in Athens by Lord Elgin. Between the years 1801 and 1812, Lord Elgin removed the marbles and many other sculptures, most of which are on display in the British Museum in London.

Many history buffs will know that Lord Elgin was the first British Ambassador to the Ottoman Empire. He arrived in Athens in approximately 1800. He was wholeheartedly welcomed by the Sultan of Turkey because he represented a country that had won several battles against Napoleon and the powerful French naval and armed forces.

On several occasions, Lord Elgin took full advantage of this goodwill, moving many sculptures with the marbles. Unfortunately, in the packing and shipping process, many if not all were damaged and defaced. Some were corroded by salt water during the voyage to England.

[Translation]

Every year, over six million visitors see these magnificent sculptures in the museum in London. Since they are still far from the Parthenon, however, it is very difficult for these numerous visitors, historians, archaeologists and other lovers of Ancient Greece to truly appreciate these marbles in conjunction with the Parthenon and its historical and cultural significance.

In the hope that the museum will agree to return the marbles to Greece, the Greek government has had a museum built at the foot of the Acropolis in order to let visitors enjoy the view of the statues and of the Parthenon itself simultaneously. There is a special room where the Parthenon Marbles can be displayed in total safety.

Thousands of visitors from all over the world will come to the 2004 Olympics to celebrate the Games' return to the country where they began, Greece. This historic and cultural event will,

without a doubt, be a source of great pride for all Greeks. People will come from all over the world to take part in these long-awaited Games, but also to savour the cultural, artistic and political heritage of Greece.

• (1730)

For the Greeks, the return of the marbles before the Games would be a high point in their history. For the first time in 200 years, the Parthenon would be seen as it was originally.

[English]

Honourable senators, this is not an issue that concerns Great Britain and Greece. It is an issue of cultural heritage that transcends all borders. The Parthenon is the most significant structure and archaeological site in Greece, closely associated with Greek history and culture. The Greek people, as an occupied nation, never consented to the removal of the marbles and have protested to this day the removal of such historic and important artifacts of Greek culture and to Greece as a nation.

Moreover, it is important to understand that the sculptures are an integral part of the Parthenon and cannot be properly appreciated in another location. These marbles were not simply housed in the Parthenon, but they were part of its wall. The act of removing them mutilated the Parthenon. Without its marbles, the Parthenon is not and never has been the same. The return of the marbles to Greece would display them within sight of the old Parthenon, and visitors would finally be able to form a complete picture of the temple in its entirety. Therefore, I strongly believe the British have an obligation to the world to restore its symbol of justice.

[Translation]

I would like to point out that on April 1, the House of Commons passed a motion on this. Several states and organizations around the world also support this initiative. In addition to Greece, UNESCO, the United States, Australia, Turkey, China, Russia, New Zealand and Belgium have already asked the British government to return the marbles to Greece.

In Great Britain and elsewhere, committees for the return of the Parthenon Marbles have been struck, to convince the British government and the museum to return them to their place of origin. Here in Canada, a Canadian committee has also been struck.

[English]

Finally, honourable senators, I should like to add that this campaign for the restitution of the Parthenon Marbles is not an attempt to return other monuments that were taken from Greece in the course of its history, and it is not intended to create any precedent for the future.

The Greek people requested the restitution of only those sculptures removed from the Parthenon by Lord Elgin and make no general claim for the restitution of any other of the hundreds of thousands of Greek artifacts that exist in museums around the

world. In other words, they simply want to restore the unity of a unique monument that is the symbol not only of Greek democracy, culture and heritage, but the very psyche and identity of the Greek people.

As a member of the Commonwealth and a strong supporter of Hellenic culture, Canada must intervene in this matter by encouraging the British government to cause the return of the Parthenon Marbles to Greece in time for the opening ceremony of the 2004 Olympic Games in Athens.

On motion of Senator Merchant, debate adjourned.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE—DEBATE SUSPENDED

Hon. Tommy Banks: Honourable senators, I ask leave of the house to revert to Notices of Motions.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, we once said yes to leave. We did not know what it was all about, so some of us walked out. Leave was requested to go back to a bill, which we did not expect. I am sure Senator Banks would like to give us a hint of what he is asking leave to do.

Senator Banks: Honourable senators, I will do so, happily. I have been asked by members of the Standing Senate Committee on National Security and Defence to introduce this motion to permit a report to be tabled on Tuesday next. A plan was put in place for an event next week, thinking that next week would be a sitting week, which, technically, I believe it still might be. Committee members wish that event to proceed, but it would be improper for it to proceed without the report being deemed to have been presented to the Senate. That is the nature of the motion, which, if I receive permission to revert, I will make on behalf of Senator Day.

Senator Prud'homme: I have been on the Hill for 40 years. When the honourable senator talks about security here, I voted against CSIS in the House of Commons, and I told Prime Minister Trudeau why. I am an RCMP guy, and I am still of the same opinion.

Just before I say yes, and at the risk of being unpopular, as soon as someone mentions security, there is so much hanky-panky going on. Could the honourable senator outline the motion? He knows I like to be very courteous, and I will say yes.

Senator Banks: Honourable senators, I am happy to inform you that this motion and the report with which it deals has to do with the health care of members of our armed services, their pensions, benefits and matters of that kind.

The Hon. the Speaker pro tempore: Is leave granted?

Hon. Senators: Agreed.

Senator Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the Standing Senate Committee on National Security and Defence, which was authorized by the Senate on November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters, and to report by June 30, 2003, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

Hon. Lise Bacon: Could we have a copy of the motion?

Hon. Colin Kenny: May we suspend until honourable senators see the motion?

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Debate suspended.

• (1740)

CANADA ELECTIONS ACT

MOTION TO REFORM PARTY FINANCING— DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of December 11, 2002, moved:

That the Senate urge the Government of Canada to reform the Canada Elections Act and other pertinent Acts to eliminate all donations to political parties and to replace them with a system of full public financing, and to establish an impartial, independent committee to direct and oversee the said system, including setting and enforcing standards and rules of conduct.

He said: Honourable senators, on December 11, 2002, I placed a motion on the floor dealing with electoral financing reform. Two days subsequent, the government introduced Bill C-24, dealing with the same subject. I have been following its progress.

I am delighted to see that Canadians are discussing this issue. I am hopeful that, by the time the proposed legislation arrives here, I may not need to continue with this motion. In the meantime, I wish to ensure that the clock does not run out. I am making this intervention in order that I may rewind the clock, in effect. I should like to move adjournment of the debate in my name for the amount of time remaining to me.

On motion of Senator Di Nino, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO TABLE REPORT DURING ADJOURNMENT OF THE SENATE

Hon. Lorna Milne, pursuant to notice of April 2, 2003, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament, be permitted, notwithstanding usual practices, to deposit an interim report with the Clerk of the Senate, should the Senate not be sitting; and that the report be deemed to have been tabled in the Chamber.

She said: Honourable senators, I move the motion standing in my name.

Hon. Marcel Prud'homme: Honourable senators, I have a question, which will give time for Senator Kenny to distribute the documents. Otherwise, we will adjourn, and the honourable senator will not be too happy.

What is the urgency of this item?

[Translation]

It is not as though we are adjourning for the whole summer. What is there in the rules that require you to ask us for leave to introduce this bill? This is a motion that normally comes at the end of a session, in the summer.

We should take our time. I would like to know what the rush is. If people are not wearing their earpieces, they will have a hard time understanding.

[English]

Senator Milne: Honourable senators, the Standing Committee on Rules, Procedure and the Rights of Parliament is requesting exceptional permission in order to ensure that the views of its members vis-à-vis the ethics package that was tabled in the Senate last fall and referred to this committee on February 4, 2003, are known to the government.

The committee has been given to understand that drafters will be working in late April, over the Easter break, to finalize the proposed legislation to be introduced and to create the position of an ethics commissioner. If this committee has not reported by then, no considered opinion of any sort will have been expressed by any Senate element, whatsoever.

I understand that tabling an interim report of a committee is not to be considered the opinion of the Senate. I shall take great pains to make certain that that distinction is known, if we are granted the permission for which we are asking.

Nevertheless, any expression of a considered opinion, or a progress report on the topic, is better than none, especially if it is that of a committee that has studied the matter at some length. In the meantime, the committee intends to continue its work, and will certainly not stop after the tabling of this interim report.

Honourable senators, I believe that it is in the best interests of the Senate to have expressed an opinion. Under these circumstances, the request for this extraordinary permission is warranted. Therefore, I ask the permission of honourable senators for approval of this motion.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Senator Prud'homme: Honourable senators, I sat on this committee. We have too many committees.

I have in mind the Blenkarn case regarding conflict of interest. We have everything necessary in the Criminal Code. We do not need to complicate unduly, thinking that members would be more honourable, et cetera.

The Criminal Code is clear. If you read it attentively, it makes you want to question yourself about whether every decision made each day is acceptable. It is like reading the Election Act. You wonder whether you could make a promise to the best organizer you have, to hire her or him as your staff, because the law forbids it.

The honourable senator said that she would ensure that the report is neutral. Honourable senators do not know the views of the members on this committee. It is exceptional that a person as hard working as the honourable senator would ask for approval on an interim report.

Does the honourable senator wish to table an interim report in the next three weeks? The honourable senator said that she would work late in April. Honourable senators will be back then. No one would be stopped from working. I am of the view that we will be coming back late in April to unveil the memorial to Senator Molgat. Does that mean that the honourable senator wishes to table a report the week prior to that event?

Senator Milne: Honourable senators, I sincerely hope that we will be able to table this interim report. It is merely a status report on the deliberations of the committee to this point. When we return in April, we will continue our full deliberations.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators to adopt the motion.

Motion agreed to, on division.

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Prud'homme, that the Standing Senate Committee on National Security and Defence, which was authorized by

the Senate on November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters, and to report by June 30, 2003, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

Hon. Tommy Banks: I hope that all honourable senators have now had an opportunity to see the motion, which was distributed in both official languages. With permission, I wish to add a codicil to the motion.

We are seeking this permission, provided it is understood that the subject matter of the report that is being made under this order of reference is that which concerns the matter of Major Henwood and his colleagues and their pension and dismemberment entitlements as serving members of the Armed Forces.

• (1750)

Senator Day, who was to introduce this motion, is not here.

Honourable senators will see that this reference is quite broad. I am asking honourable senators to understand the codicil in respect of the request to table this report: that it is the report dealing with Major Henwood and the attendant questions of access to benefits for injured war veterans and peacekeepers.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 29, 2003, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

[English]

Hon. Tommy Banks: Honourable senators, may I speak to the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, when leave is requested, it is either granted or not granted.

Senator Banks: I wish to speak to the adjournment motion.

Hon. Marcel Prud'homme: Honourable senators, I rise on a point of order. Senator Robichaud is asking for leave to make a proposal, which is debatable. Senator Banks, regardless of what this side may say, wishes to speak to the motion. He did not say that he did not want a resolution, but he does want to speak to the motion to adjourn. If we are satisfied after Senator Banks speaks, then we will agree with Senator Robichaud. The honourable senator is desperately trying to convey that to us, in my understanding. At least that is what I understood until he was interrupted by senators who think the motion has already passed. The adjournment was moved, but it was not passed. Do honourable senators agree? Senator Banks rose to speak to the motion.

Senator Banks: In whatever context and in whatever place, I am speaking against the idea of adjourning next week. I know how unpopular that will make me. I also know how important it is that we deal with government business and that we do not have enough government business to justify sitting next week. However, many committees will be sitting next week and many senators will be here next week.

The Senate has before it, aside from government bills that were passed today, 10 Senate public bills, 11 reports of committees and 30 motions or inquiries that have not been dealt with. It is not right for us to say, or to answer to anyone who asks the question, that we have no business before us. We have a great deal of business before us.

The Energy Committee, which I chair, will meet with ministers next week. I will be here all day Monday in another committee meeting. I heard Senator Di Nino today talk about his committee meeting next week, and there are others. I do not believe that it is a good idea, as a matter of practice for us at this time in the calendar, to take a week away from our usual sitting schedule. I may well be alone in that respect, but I wanted honourable senators to know that I hold that view strongly.

Hon. Colin Kenny: Honourable senators, Senator Banks is not alone in that view. I would like very much to know from the leadership which committees will be sitting and what the work program of the Senate will be next week. It is important that that be placed on the record. I do not know whether a list is available, but if there is one, could it be made public? Perhaps I missed something earlier on. If so, I apologize for taking up the time of the chamber unnecessarily.

Honourable senators, I am uncomfortable when this chamber is not sitting. I am much more comfortable if I know that we are doing committee work and that committees are functioning throughout the place. If I could be assisted in this matter, it would help me greatly with this motion.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senators who put this question. That is why we gave notice yesterday and moved a motion today that all committees of the Senate would be authorized to sit next week. Whether those committees choose to sit next week remains to be seen, but I am able to give the honourable senator specific information about a number of committees that will be sitting. The following committees will sit next week: the Standing Senate Committee on National Security and Defence; the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Social Affairs, Science and Technology; the Standing Senate Committee on Energy, the Environment and Natural Resources; and there may well be others. The committee sittings will be much longer next week than they normally would be, given the confines of the narrow times available if the Senate were to sit next week.

Honourable senators, I want to make this very clear: Next week is a committee-sitting week so that adequate amounts of time can be freed up. Committees that are hard-pressed to find the hours they need will have those hours during the committee-sitting week.

Senator Kenny: Honourable senators, Senator Carstairs has been of great assistance in this respect. Although it is a fine point, it is an important point: There is a significant difference in declaring a committee-sitting week and announcing the programs of the committees. First, it is important for the internal operation of the place. Committees may sit on Mondays, but if senators do not know whether committees are sitting on Tuesdays, Wednesdays and Thursdays, they may not want to come to the Monday meetings. Second, the public has a right to know what committees are sitting. If we are to have a committee-sitting week, we should publish the information about the committees in advance. Otherwise, we would go through a weekend of "Aubry."

I do not want to give this fellow too much attention, but I would like to be in a position to rhyme off the committees that will be sitting, and I suspect there are other senators who would like to do that, too. I am conscious of the work that is before the Rules Committee and the difficulty it has in finding time to get on with its work. However, I want the committee schedule to be public. I want it spelled out that committees will sit two days or 10 hours or whatever it will be. It should be on the record before we proceed with an adjournment that will ultimately turn into a three-week recess.

Senator Banks has done us a service by bringing this matter to our attention. I would hope that we would change our practices only to the extent that we would announce which committees are meeting on committee-sitting weeks in advance of an adjournment.

The Hon. the Speaker pro tempore: Honourable senators, it being six o'clock, is it agreed that the Chair not see the clock?

[Senator Kenny]

Hon. Senators: Agreed.

[Translation]

Senator Prud'homme: Honourable senators, I come from the same school as Senator Banks. It is unthinkable to me that we are not sitting next week. I will not turn this into a huge debate. It is all good and well to say that the committees are going to sit, but I come back to a point that seems troubling to some. We are going away for three weeks. There are things happening around the world that perhaps certain senators are not aware of.

• (1800)

The Standing Committee on Foreign Affairs systematically refuses to consider the most explosive issue, although people who are best informed could take part and contribute. Not only are we not sitting, it is wonderful that the committees are, but we seem to have forgotten important things like daily Question Period — I would like it to be 45 minutes long, in fact — and Senators' Statements. All this has stopped until April 29. What is going to happen between now and then? I do not know. International issues could require us to commit our resources and our soldiers. Nothing is certain. I fully support Mr. Chrétien, but I am concerned by the news. Only one committee could tell us what is going to happen. This not Question Period. Question Period is what inspires us to go to committee. I personally want to go on record as saying that I find this unusual. You know me, in any case, I will be here whether the Senate is sitting or not. I will be one more senator present when the flag is lowered to half-mast next Wednesday in honour of those Canadians who died at Vimy. I am starting to think that there will not be many of us. Perhaps Senator Poulin and the member of the other House, Mr. Saint-Denis, whom I want to thank, will be there. I find this regrettable.

[English]

Senator Carstairs: I have been given some additional information, which I think is important to put on the record.

On Monday, the committees that will meet are: the Standing Senate Committee on National Security and Defence; the Standing Committee on Rules, Procedures and the Rights of Parliament; and the Standing Joint Committee on Official Languages.

On Tuesday, the committees that will meet are: the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Foreign Affairs; the Standing Senate Committee on Agriculture and Forestry; and the Standing Senate Committee on Fisheries and Oceans.

On Wednesday, the committees that will meet are: the Standing Committee on Rules, Procedures and the Rights of Parliament; the Standing Senate Committee on Social Affairs, Science and Technology; and the Standing Senate Committee on Foreign Affairs.

On Thursday, the committees that will meet are: the Standing Senate Committee on Agriculture and Forestry; the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations; the Standing Senate Committee on Social Affairs, Science and Technology; and the Standing Senate Committee on Fisheries and Oceans. I understand that the Standing Senate Committee on Energy, the Environment and Natural Resources will also meet on that day, but the notice has not yet been issued. They just do not have their notice out yet.

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Some Hon. Senators: Question!

[*Translation*]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion agreed to on division

The Senate adjourned until Tuesday, April 29, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, April 3, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | | | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|---|----------|---------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | 03/04/03 | Energy, the Environment and Natural Resources | | | | | |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | 03/04/01 | 03/04/03 | 5/03 |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | 03/04/02 | Aboriginal Peoples | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | divided | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | - | - | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|---|-----------------|----------|-------|
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | - | - | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | 03/04/03 | Rules, Procedures and the Rights of Parliament | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | - | - | - | 02/12/11 | 02/12/12 | 27/02 |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | - | - | - | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | - | - | - | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|----------|-------|-----------------|----------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | 03/04/02 | 0 | 03/04/03 | 03/04/03 | 6/03 |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|----------------------------------|--------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrestall) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | 03/04/02 | | |
| S-9 | An Act to honour Louis Riel and the Metis People (Sen. Chalifoux) | 02/10/23 | | | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | | | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |
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[illegible]

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CANADA

Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 49

OFFICIAL REPORT
(HANSARD)

Tuesday, April 29, 2003

—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable senators, I ask leave of the Senate to correct the *Debates of the Senate* for Thursday, April 3, 2003. On page 1186, in Senator Carstairs' reply to Senator Prud'homme's question, we should read Standing Senate Committee on Official Languages and not Standing Joint Committee on Official Languages. The joint committee no longer exists.

[*English*]

The Hon. the Speaker: Is it agreed that the record be corrected, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

THE SENATE

Tuesday, April 29, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

BOOK WEEK

Hon. Joyce Fairbairn: Honourable senators, it has become a bit of a custom in recent years in this country to recognize our annual Book Day. Last week, April 23 was not only Book Day but the week has turned into Book Week. We had celebrations across the country: The CBC was running Canada Reads, and children in schools throughout Canada were busily engaged in learning about our authors and stories. It also reminds us of what great authors we have. As well, it reminds us how, sadly, many Canadians are unable to enjoy those writers and the books they produce because of their difficulty in reading.

To underline the day, and underline my continuing friendship with the Leader of the Opposition, Senator Lynch-Staunton, I would like to present him with this year's book, which is a sweeping history of late 19th century Victorian England, mixed in with western North America — Canada and the United States — and it all ends up in the area around southwestern Alberta, where Senator John Lynch-Staunton's family resides and is a great part of the history of that area.

The book is *The Last Crossing* by Guy Vanderhaeghe, a Saskatchewan writer and storyteller. I know the honourable senator will enjoy it.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I thank the honourable senator for her kindness in what has become an annual tradition. However, this time I have been forewarned, and I have a gift for the Honourable Senator Fairbairn. It took me a long time to find something appropriate, but I think I did find it. Her party is heading into a leadership convention, and the honourable senator will want to ensure that a leader is selected who is, one might say, "the right choice." What better book to inspire her than David Frum's book, *The Right Man* —

Hon. Senators: Oh, oh.

Senator Lynch-Staunton: — which is subtitled, *The Surprise Presidency of ...*, and perhaps the honourable senator may have a book to write after November, also about the surprise leadership of whoever. In other words, it is an inspiring book, and I am sure it will help the honourable senator in her selection process.

THE LATE JOHN ROBERT LATIMER

TRIBUTE

Hon. Norman K. Atkins: Honourable senators, last Friday I attended the funeral of John Robert Latimer, known to many of his friends as "Chief." The whole occasion was a great tribute to someone who was loved and admired by so many. Not only was

St. James Cathedral in Toronto overcrowded, but people were also gathered outside on the church grounds. The reception was held in the Canadian Room at the Royal York Hotel, and I think it is fair to say that almost all of those who went to the service gathered at the hotel to reflect on the life and times of this very special person. I am taking the liberty of quoting his accomplishments to honourable senators, which notes were written after his death on April 22:

John saw a wonderful dream come true this year in co-founding Greenwood College School. Previously he has been the Headmaster of Royal St. George's College, acting chief of protocol for the Province of Ontario, very active in several political campaigns as well as a published author. In his dedication to young people, he served on many school boards, camping associations and youth charities. John's love and passion, in addition to his family, was Kilcoo Camp, the magical place where he grew up as a boy. The Chief and his partner and best friend, Ms. Chief, owned and directed Kilcoo Camp for over 40 years.

John Latimer was a remarkable individual who served the community in many different ways. He loved people, especially young people. I think it is fair to say that no one lived life more fully nor enjoyed it more than he did.

John will be sorely missed by his wife, Peggy, and his three sons, David, Jeffrey and Michael, and all the family and his many friends.

He touched the lives of so many during his lifetime, setting an example for all of us.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES

Hon. Ethel Cochrane: Honourable senators, I rise today to express my personal outrage and frustration with the ill-advised decision of the Minister of Fisheries and Oceans to close the northern cod and northern and southern Gulf of St. Lawrence fisheries.

• (1410)

With this decision, the federal government has shown a blatant disregard for the recommendations put forward by the Newfoundland and Labrador All-Party Committee, the Fisheries Resource Conservation Council, the Fish, Food and Allied Workers, and prominent members of the scientific community.

In recent weeks, some fisheries groups have called for a reduced fishery. However, there was not a single recommendation for a full closure. In fact, most adamantly argued that a full closure would do nothing to promote the health of the stocks.

In its report last month, for instance, the FRCC stated:

In its analysis of a complete closure of the Gulf cod stocks, the Council concludes that this is an unrealistic option that would, in no way, guarantee stock rebuilding.

The report added:

There is a view that a closed fishery — and an alienated fishing sector — would actually result in an increase in unreported mortality. The Council judges this to be a real threat that could inflict continued undetected harm to the resource.

Further, the FRCC emphasized the important conservation role that fishers play and must continue to play. The chairman of the Council's Gulf team said:

The closure option, taken on its own...does nothing to promote the prospects for stock growth and rebuilding....Furthermore, there is reason to believe that taking fishermen off the water may result in a higher incidence of mortality and less stewardship of the resource.

Personally, honourable senators, I am also gravely concerned that Minister Thibault's decision has been made in the absence of adequate science.

Dr. George Rose, a prominent fisheries scientist at Memorial University, said recently:

We have a deficit of information. And that's only going to get worse because it seems like the amount of research that's being done on cod stocks continues to decline.

I hear from fishermen that there is not even enough money to buy gas for these conservation and scientific vessels to go out and do the research.

According to Dr. Rose, this means that there will be less and less information upon which to make rational decisions.

Honourable senators, I suggest that Thursday's decision illustrates that we have already reached this point. A decade of government cutbacks has taken its toll on the Department of Fisheries and Oceans. It is now clear that the government can no longer make rational decisions about Canada's historically important fishery resource.

MR. MIKE WEIR

CONGRATULATIONS ON WINNING MASTERS GOLF TOURNAMENT

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to Mike Weir for being the first Canadian to win the Masters Golf Tournament.

Hon. Senators: Hear, hear!

Senator Mahovlich: And he is a southpaw.

It is the most prestigious tournament in the world. A native of Bright's Grove, Ontario, Weir now has six PGA Tour wins, three already this season.

To quote Winston Churchill, "Playing golf is like chasing a quinine pill around a cow pasture." Winston Churchill did not see the game the way Michael Weir did at the Augusta National Golf Club, for one week, in April at the famous Masters Golf Tournament.

Gary Player, South Africa's great, stated: "Mike Weir, if he continues in the same vein as he is, will be the best player Canada ever had."

Canada's best-known golfer is George Knudson, who won eight professional tournaments before passing away at the age of 51. Weir is up to six with one major, a feat that few Canadians up to the 2003 Masters have been able to accomplish.

Michael has had to work on his game, and there have been many critics. He has this habit of making a quarter swing before he takes a full swing. It is a bit jerky. Al Balding was being interviewed a few years ago and was quoted as saying that this would not work because most golfers had swings that were like dancers doing a waltz — they were smooth. A week later, I ran into Al at a sports dinner. I confronted him about this statement and explained that Weir was doing a dance — it was called the tango.

Weir is back in the pack after a dismal year in 2002, and fans have a future to look forward to as Michael continues his journey. His stunning victory should go down as one of the greatest sporting moments in Canadian history and, of course, everyone wishes Michael and Bricia more embracing on the final holes.

To Mark Twain, "Golf is a good walk spoiled." It was for most of the golfers that competed for the Masters, but for Michael Weir it was a walk in the park that every golfer dreams about.

Congratulations on your outstanding achievement.

THE RIGHT HONOURABLE BRIAN MULRONEY

RCMP—ANNOUNCEMENT OF END TO AIRBUS INVESTIGATION

Hon. Gerry St. Germain: Honourable senators, one of the darkest periods in Canadian history came to an end when the RCMP announced that they had finally concluded their eight-year investigation into groundless allegations against the distinguished former Prime Minister Brian Mulroney.

Honourable senators, the RCMP were mere pawns of the vindictive power mongers of the Jean Chrétien regime who, from day one, directed this unprecedented witch hunt. It was offensive to Canadians and the ideals we cherish in this freedom-loving, democratic nation.

The deceit, persecution and abuse of power began with the issuance of an official Justice Department letter to Swiss government authorities under the watch of the overzealous and irresponsible then-Minister of Justice Allan Rock. That letter was based on nothing more than pure innuendo, conceived in the small minds of irresponsible journalists and their partisan accomplices.

The blame for this obscene persecution rests squarely with Prime Minister Jean Chrétien, former Minister of Justice Allan Rock and the other members of the Liberal gang of thugs. The corrupt and unethical Chrétien gang manufactured a faceless and groundless claim against a former prime minister. What is even more revolting is the fact that the witch hunt continued without care or caution for six years after a court of law declared, without equivocation, that the government was wrong in making the claim in the first place.

However, that court ruling did not rein in the attack dogs. No, subsequent ministers of justice, solicitor generals and the Prime Minister himself allowed the RCMP's criminal probe to continue. All the while, the Liberal power mongers smirked in public and privately celebrated in glee as they watched one of Canada's greatest prime ministers having to defend his reputation. They cared nothing of the human carnage they created. They ignored the toll it would have on public confidence in our democratic institutions.

Now this absurdity has ended. It has ended because the process reached its inevitable conclusion: Despite the Liberal regime's dastardly plans, nothing could overcome the fact that Mr. Mulroney has always been innocent. However, while the absurdity has ended, the end of the story will only come when Canadians are able to see clearly who perpetrated all of this. Canadians need to see how the levers of power in this country were abused for little more than personal glee and partisan gain. They need only contrast he who was persecuted and maligned against those who were the abusers of the system and their self-righteous defenders.

Mr. Mulroney can now stand proud, as he rightly should. His lifelong record of community service is a shining symbol of commitment. His decade of achievements, while leading our nation, stands as a testimony to honour, decency, respect, excellence and accomplishment. Despite the fact that justice was blatantly abused in this whole affair, I am confident justice, one day, will be done and the indecent will pay.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

2003 REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the House of Commons, dated April 2003, pursuant to the Auditor General Act, R.S. 1995, chapter 43, section 3.

[Senator St. Germain]

[English]

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 23, 2002, to examine and report upon the present state of the domestic and international financial system, respectfully requests the release of additional funds for 2003-2004.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget application submitted was printed in the *Journals of the Senate* of March 25, 2003. On March 27, 2003, the Senate approved the release of an initial \$20,000 to the Committee.

The Report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "A," p. 718.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1420)

BUDGET—REPORT OF COMMITTEE ON STUDY OF THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*, respectfully requests approval of funds for 2003-2004.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 719.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NEED FOR NATIONAL SECURITY POLICY PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on National Security and Defence has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 30, 2002, to examine and report on the need for national security policy for Canada, respectfully requests approval of funds for fiscal year 2003-2004.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix "C", p. 725.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Official Languages has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on December 5, 2002, to study and report from time to time upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, within those institutions subject to the Act, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary, and that it be allowed to adjourn from place to place within Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

(For text of budget, see today's Journals of the Senate, Appendix "D", p. 737.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to the order adopted by the Senate on Wednesday, November 20, 2002, and the motion adopted by the Senate on Thursday, April 3, 2003, the Standing Senate Committee on National Security and Defence deposited its eighth report entitled "Fixing the Canadian Forces' Method of Dealing with Death and Dismemberment." That report was filed with the Clerk of the Senate while we were on adjournment on April 10, 2003.

The Hon. the Speaker: When shall this report be taken into consideration, honourable senators?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STATISTICS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Marjory LeBreton, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill S-13, An Act to amend the Statistics Act has, in obedience to the Order of Reference of Tuesday, February 11, 2003, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MARJORY LEBRETON
Deputy Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

EIGHTH REPORT OF COMMITTEE TABLED

Hon. Lorna Milne: Honourable senators, I wish to inform the Senate that, pursuant to the order adopted by the Senate on Tuesday, February 4, 2003, and the motion adopted by the Senate on Thursday, April 3, 2003, the Standing Committee on Rules, Procedures and the Rights of Parliament deposited its

eighth report entitled, "Government Ethics Initiative," with the Clerk of the Senate on April 10, 2003.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table the second report of the Standing Joint Committee for the Scrutiny of Regulations on the operations of the committee.

[English]

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF HEALTH CARE SERVICES AVAILABLE TO VETERANS PRESENTED

Hon. Joseph A. Day, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 29, 2003

The Standing Senate Committee on National Security and Defence has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters, now, respectfully requests approval of funds for fiscal year 2003-2004.

Pursuant to Section 2:07 of the Procedural Guidelines for the Financial Operation of Senate Committees, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
Member of the Committee

(For text of budget, see today's Journals of the Senate, Appendix "E", p. 747.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Tuesday, April 29, 2003

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1430)

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ON STUDY OF IMPACT OF CLIMATE CHANGE PRESENTED

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 29, 2003

The Standing Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your Committee was authorized by the Senate on October 31, 2002 to examine the impact of climate change on Canada's agriculture, forests and rural communities and the potential adaptation options focusing on primary production, practices, technologies, ecosystems and other related areas.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

DONALD H. OLIVER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "F", p. 755.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—REPORT OF COMMITTEE ON STUDY OF DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS PRESENTED

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

The Standing Committee on Agriculture and Forestry has the honour to present its

FOURTH REPORT

Your Committee was authorized by the Senate on February 11, 2003 to examine the issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

DONALD H. OLIVER
Chair

(For text of budget, see today's Journals of the Senate, Appendix "G", p. 761.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

SECOND PLENARY MEETING, FEBRUARY 20-21, 2003—REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table in both official languages the report of the Canadian delegation to the Inter-Parliamentary Forum of the Americas' second plenary meeting in Panama City, Panama, on February 20-21, 2003. I would like to thank the Leader of the Opposition, Senator Lynch-Staunton, for his cooperation.

[English]

NEW CONSTITUTION FOR IRAQ

NOTICE OF INQUIRY

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that on Thursday, May 1, 2003, I will call attention of the Senate to a possible new Constitution for Iraq.

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— REVIEW OF DEPARTMENT'S EMERGENCY PREPAREDNESS PLAN

Hon. Wilbert J. Keon: Honourable senators, there have been many questions about how SARS, severe acute respiratory syndrome, was spread in the Toronto area. One health care official has placed the blame on hospitals that did not follow guidelines for treating people with infectious disease. Another official has blamed the lack of funding for infection control. Others have wondered whether health care workers were given masks, gowns and other protective gear soon enough. Reports of people breaking their quarantine resulting in hundreds or more being quarantined raised the question as to whether they were properly monitored. All of these things and more will have to be looked at carefully so that we may understand how this disease spread so quickly.

My question is for the Leader of the Government in the Senate. Has the federal response to the SARS health emergency prompted a review of Health Canada's emergency preparedness? If so, how would such an audit be conducted?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question and I am sure he will be as pleased as I was to learn that the World Health Organization, WHO, has lifted its travel advisory on the City of Toronto.

Senator Keon is quite correct. It has been a long time since emergency preparedness plans of this kind were put in place in cities such as Toronto and Vancouver. A thorough review must be done, but that will only be possible in conjunction with officials from Health Canada and the full cooperation of public health officials at the local level in the provinces that have been so greatly affected by SARS. It is my understanding from the ongoing discussions between Ontario's Minister of Health and Long-Term Care, Tony Clement, the Minister of Health, Anne McLellan, and the public health authorities that such a study will commence as soon as SARS is completely under control.

Senator Keon: Honourable senators, I thank the honourable leader for that answer. We are all pleased that the ban has been lifted.

WEST NILE VIRUS— PLAN FOR DEALING WITH DISEASE

Hon. Wilbert J. Keon: Honourable senators, we will soon be facing the threat of another deadly virus that causes flu-like symptoms, West Nile virus. That threat may be coming earlier than expected this year, as we all know. Could the Leader of the Government in the Senate tell us about the approach to dealing with the West Nile virus?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the testing of animals for West Nile virus commenced one month earlier this year than it did last year because it became evident that we had not responded as quickly as we could have, in the past. Thus, the testing of birds that may be infected with the virus has begun. As well, all of the monitoring has been examined to ensure that we are using the best practices.

It is difficult to compare the two diseases, as the honourable senator is well aware, because they are spread in different ways. SARS is spread by human-to-human contact while mosquitoes infected with the West Nile virus spread the disease when they bite humans. It appears that an individual infected with West Nile virus is unable to infect another individual. However, because of SARS, I can assure the honourable senator that there has been a stepped-up evaluation to ensure that everyone is working cooperatively together. In line with that initiative, it is my understanding from the Minister of Health, Anne McLellan, that she has been in daily contact with the Ontario Minister of Health and Long-Term Care, Tony Clement. They worked extraordinarily cooperatively on this file, and that kind of work cooperation will also be needed against the West Nile virus.

SEVERE ACUTE RESPIRATORY SYNDROME— WORLD HEALTH ORGANIZATION TRAVEL ADVISORY

Hon. Marjory LeBreton: Honourable senators, on Wednesday April 23, 2003, the World Health Organization, WHO, issued a travel advisory against Toronto, which urged people all over the world to put off non-essential travel to that city for at least three weeks. Thankfully, this decision has now been reversed but it leaves devastating implications for the public image and economic well-being of not just Toronto but also of Canada. I was in Toronto last Thursday and Friday for a Mothers Against Drunk Drivers conference. The effect of that advisory was noticeable in the Toronto airport.

It appeared at the time that the initial WHO announcement caught everyone, including the Minister of Health, Anne McLellan, by surprise. Perhaps if there had been more direct contact with the WHO by Canadian officials, the ban would not have been made in the first place. Could the Government Leader in the Senate tell us when the minister was made aware of this advisory and whether she was in direct contact with WHO officials before the advisory was made?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my understanding that there have been ongoing discussions with the WHO right from the discovery of the first case of SARS diagnosed in Toronto. However, the decision by the WHO was not broadcast to the department any sooner than it was broadcast to the public. There was a significant information gap between the information that scientists received in Canada and the information that scientists had in the WHO, which has led to the lifting of the advisory today.

Clearly, we have to ensure that those channels of communication are much more open than they apparently were during this particular incident.

• (1440)

SCREENING OF TRAVELLERS LEAVING FROM PEARSON INTERNATIONAL AIRPORT

Hon. Marjory LeBreton: Honourable senators, on March 27, 2003, the WHO recommended that all outgoing passengers from airports in affected areas should be screened for symptoms of SARS. Health Canada chose not to follow this advice, instead issuing health alert notice cards. It is thought that the WHO based its decision last week, in part, on the fact that people have carried SARS from Toronto to other parts of the world. That travel advisory ban called for the screening of air passengers leaving affected areas.

Will Health Canada begin screening air travellers leaving Pearson airport for international destinations? If so, when do they plan to start implementing the screening?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is important to understand that the WHO accepted the plan put forward by Health Canada with respect to the notification. They did not ask for more stringent controls out of Pearson airport. Infrared technology referred to as a "fever scan" would detect if a person had a fever. This technology is being considered at the present time, but no final decision has been made.

SEVERE ACUTE RESPIRATORY SYNDROME—TAIWAN TRAVEL ADVISORY

Hon. Marjory LeBreton: Honourable senators, the Government of Taiwan announced last Sunday that it will stop issuing visas to Canadian visitors on the basis of the WHO travel advisory against Toronto which, as we know, has been lifted. In view of the decision today by the WHO, could the Leader of the Government in the Senate tell us whether the federal government is doing anything to have the travel ban by the Government of Taiwan lifted?

Hon. Sharon Carstairs (Leader of the Government): I can tell the honourable senator that the Government of Canada made immediate representation to the Government of Taiwan when they imposed a ban on visas for individuals wanting to come to Canada, not just to Toronto, but to the entire country. We made it clear that we found that to be totally unacceptable. Since the WHO advisory has just been lifted, I do not think further contact has been made, but I will take the representation of the honourable senator to the Honourable Minister of Health when I see her about half an hour from now.

SEVERE ACUTE RESPIRATORY SYNDROME—ECONOMIC FALLOUT

Hon. Brenda M. Robertson: Honourable senators, I have a question for the Leader of the Government in the Senate.

Hon. Senators: Hear, hear!

Senator Robertson: Thank you, it is good to be back.

My question concerns the economic consequences of the SARS outbreak in the Toronto area. The World Health Organization travel advisory against Toronto was lifted this afternoon, but that advisory added to an already bad financial situation that has negatively impacted upon the rest of the country. A summit on the economic fallout of SARS was held in Toronto yesterday as many businesses there, especially those in the Asian community, have suffered extreme losses over the past two months.

Ontario Premier Ernie Eves met yesterday with the Prime Minister to discuss the economic situation. Mr. Eves has said that the provincial government has ruled out direct compensation to businesses but will compensate individuals forced into quarantine.

Is the federal government considering measures such as temporary tax relief or tax breaks to assist businesses that have been significantly hurt by the SARS health emergency?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question, and I welcome her back, as does every single member of this chamber. It is good to see her in good health once again.

In terms of the economic impact of SARS, as the honourable senator well knows, it is not being felt just in the city of Toronto. The impact is being felt across the country and in most of the major airports in the country where travel has been reduced considerably. The economic impact must, therefore, also be studied in light of its consequences not just for the city of Toronto but for other communities as well. I can assure honourable senators that it is under active cabinet consideration.

SEVERE ACUTE RESPIRATORY SYNDROME—SUPPORT TO HOSPITALS

Hon. Brenda M. Robertson: Honourable senators, my second question was answered by the minister because I had wanted to ask about the response of the government to all of Canada, as well as Toronto. We shall look forward to information that will help businesses that have been affected in Toronto and elsewhere.

The strain on the economic resources of hospitals dealing with SARS is another area of concern. Is the federal government considering allocating specific funds for Toronto hospitals, in particular, in order to address surgical backlogs caused by the SARS outbreak?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there are ongoing discussions between the two Ministers of Health with respect to additional costs that have fallen on the hospital system in the city of Toronto. More important, there is active consideration of the needs of health care workers, some of whom have been stretched to the very limit. Some nurses have indicated that they have resigned or will be resigning because they do not want to work in that environment. There has been a transfer of federal government nurses to Toronto, as well as other health specialists. Clearly, we must further investigate the needs of those health care professionals as well as the health care system as a whole.

SOLICITOR GENERAL

RCMP—END TO AIRBUS INVESTIGATION

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government in the Senate regarding a recent press release from the RCMP that announced that it has concluded its investigation into allegations of wrongdoing involving the Airbus contracts. The release is dated April 22, 2003. The force is quoted as saying that the remaining allegations that would have been laid by the Department of Justice in 1993 cannot be substantiated.

When will this government issue a formal apology to all those wrongly and very publicly publicized as being involved in this misadventure?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows very well, the Government of Canada does not, nor should it, nor I hope will it ever, actively direct the activities of the RCMP. The RCMP conducts criminal investigations in this country. It does so without political interference. That is the way that it should remain.

Senator Tkachuk: Honourable senators, I agree with the minister. However, is she saying that under no circumstance shall the civil authority control the police authority of the state?

Senator Carstairs: That is not what I said, and the honourable senator is well aware that that is not what I said. I said that the Government of Canada does not interfere in the criminal investigations conducted by the RCMP.

Senator Tkachuk: Honourable senators, does the government feel it has no responsibility whatsoever for the fact that the RCMP may have made a terrible and dreadful mistake and that perhaps this investigation was directed by the political authorities?

Senator Carstairs: Honourable senators, this investigation was not directed by the political authorities; it was directed by the RCMP. If the honourable senator has questions to the RCMP, I would suggest he address them to that body.

Senator Tkachuk: Perhaps we can do a formal investigation into the RCMP. Would the government provide this chamber with an accounting of how much taxpayers' money has been appropriated to conduct this investigation since it started?

Senator Carstairs: The RCMP Estimates are open, as is the entire agenda of the Solicitor General. That would be an appropriate question to ask in the Estimates process of the Solicitor General.

CANADA-UNITED STATES RELATIONS

EFFORTS TO RESTORE RELATIONSHIP

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. It relates to the relationship between our largest trading partner, the United States of America, and Canada.

As I was walking out of the office, I received a call from a business person in British Columbia who had work permits cancelled that were in place to service accounts. The business person asked me what the government is doing about repairing this strained relationship that the government leader will not acknowledge exists. I am referring to the strained relationship between the United States and Canada.

• (1450)

Hon. Sharon Carstairs (Leader of the Government): Since the honourable senator puts great store in the views expressed by American ambassador, Paul Cellucci, I would ask him to read what the ambassador said yesterday, which is that there are no strained relations between Canada and the United States.

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: What do I tell the business person who has his work permit cancelled, jeopardizing his businesses and the economy of the region that I represent? As well, perhaps the honourable leader of the government could give us an update on the softwood lumber issue, which is negatively impacting the British Columbia economy.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows that the softwood lumber dispute has been ongoing for some time. Negotiations are continuing between the two countries to resolve this issue. We recognize that we are each other's largest trading partners. It is to be hoped that, just as they wish to conclude new agreements with us in a number of fields, particularly energy, we also will be able to conclude a softwood lumber deal.

CANADA-UNITED STATES RELATIONS

EFFORTS TO RESTORE RELATIONSHIP

Hon. Gerry St. Germain: Finally, honourable senators, I ask the Leader of the Government in the Senate if the government has ever considered making a formal apology to the Americans for the statements of the Minister of Energy and various other MPs on the Liberal side that were derogatory, hurtful and very damaging to our relationship?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we have a tradition in our democracy of freedom of speech. It is a tradition that I respect, and I would hope the honourable senator would do so as well.

Senator St. Germain: Would the honourable leader place freedom of speech above aggressive, abusive language? Should we respect that as freedom of speech in a caucus system, a parliamentary system that is very tightly governed by the executive branch and by the Prime Minister? Is the honourable leader of the government saying to the American people that freedom of speech prevails and that we can say whatever we want about them, regardless of what they say?

Senator Carstairs: Honourable senators, there were a number of statements made by American politicians that I did not particularly approve of, either. I would not only protect the right of Canadian politicians to have freedom of speech, I would protect the right of American politicians to have freedom of speech as well.

CITIZENSHIP AND IMMIGRATION

NEW IMMIGRATION SELECTION RULES— RETROACTIVE ASSESSMENT CRITERIA— CLASS ACTION LAWSUITS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Immigration lawyers have filed a \$400-million class action lawsuit against the Department of Citizenship and Immigration, alleging that 30,000 to 40,000 potential immigrants are being unfairly denied the chance to come into Canada.

On December 2, 2002, the department announced that new, stricter immigration selection criteria would pertain to existing applicants if their cases had not been processed by March 31 of this year. The lawsuit asks that the Federal Court force the department to change its decision, allowing cases to be judged under the criteria that prevailed when individuals made their initial application.

Honourable senators, the government has already lost a similar case. In March, the Federal Court ruled that the department had misled Parliament on the details of the new immigration rules. The federal government was ordered to process 102 applications, made before the deadline for assessing them, under the old criteria. Will the Department of Citizenship and Immigration treat all potential immigrants fairly and assess applications under the criteria in place when their claim was initially made?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator raises a number of issues, some of which I cannot address since I cannot talk about specific court decisions. However, he also phrased a more general question about the policy of the Department of Citizenship and Immigration with respect to the application process. I will try to get an answer for him on that point as soon as possible.

Like the honourable senator, I have been contacted by a number of individuals who feel that they have been inappropriately dealt with, and I have raised this concern before. I hope to get an answer on that point sooner rather than later.

Senator Oliver: Honourable senators, I thank the minister for that response. While she is making those inquiries, perhaps she could also inquire into the matter of a \$35-million class-action lawsuit that has been filed by about 500 Asian families against the federal government. These families, mostly from China, claim that their applications were not processed due to the tough new selection criteria. The suit alleges that the handling of the department's skilled workers category amounts to systemic discrimination, as approximately 80,000 Asian applicants were in the backlog of 120,000 cases that were not processed by department officials.

What is the federal government's response to this lawsuit, and what does it plan to do to assure other potential Asian immigrants that their applications will not meet the same fate?

Senator Carstairs: The honourable senator must understand that there are, in every year, far more applications to come to this country than the department can handle, and that backlog is not about to be eliminated. If the honourable senator thinks that the department involved can wave a magic wand and immediately deal with every application to this country, that is not possible.

However, the issue of whether people have been dealt with unfairly or inappropriately is a significant one. I will follow up on that enquiry and attempt to get an answer quickly for the honourable senator.

JUSTICE

OFFICIAL LANGUAGES— COURT CHALLENGES PROGRAM

Hon. Jean-Robert Gauthier: My question is directed to the Leader of the Government in the Senate. The Court Challenges Program is administered out of Winnipeg, and receives federal funding under a five-year agreement signed April 1, 1998. The objective of this program is to assist in the clarification of official language rights, guaranteed in the Constitution, and equality rights, also guaranteed in our Canadian Charter of Rights and Freedoms.

The program provides financial assistance for test cases of national significance, either by individuals or groups. It was reinstated in 1994, following the federal election in 1993, and further extended from April 1, 1998 to March 31, 2003.

Since the deadline of March 31, 2003 has passed, I have had difficulty determining what will happen to that program. Could the minister speak to her colleagues in cabinet to ensure that the Court Challenges Program will be maintained, and confirm for us that it will receive federal funding for another five years?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for having brought this matter to my attention earlier this morning. We have worked to obtain an answer for him. The department has recently extended its agreement for one year, because the program is currently being evaluated. Rather than have the program cease while that evaluation takes place, it was determined that it would be extended for one year. At that time, decisions can be made based on the evaluation.

[Translation]

Senator Gauthier: The funding breakdown for the Court Challenges Program since 1998 is as follows: \$525,000 for linguistic rights; \$1,575,000 for equality rights and \$650,000 for program administration costs. Can the minister find out if these same conditions will apply to the one-year extension, that is, until March 31, 2004, and if the government has any intention of bolstering the program over the next five years by increasing its funding?

[English]

Senator Carstairs: Honourable senators, the criteria that were being used in the past are the criteria that will be used for this one-year funding. As the honourable senator knows, there has been a very large investment by Justice Canada in targeted measures aimed at improving access to the justice system in both official languages. They will invest \$18.5 million to provide a variety of programs, including stable funding for French-speaking lawyers' associations and their national federation.

With respect to the honourable senator's specific questions on aged individuals, I will have to take that on notice and get back to him with a reply.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES

Hon. Ethel Cochrane: Honourable senators, my question concerns the mixed messages that the government was sending out prior to Thursday's announcement that it was closing the cod fishery.

• (1500)

As recently as April 19, just five days before the official announcement, Gerry Burn, Newfoundland and Labrador's minister, said the following on CBC Radio's *The House*:

We are not approaching a final decision right now, and in fact where we are is we are still discussing what options are available to us.

On the same program, Mr. Burn also said:

A decision will not be taken until I get my say, and people from this province get their say.

My question is for the Leader of the Government in the Senate: Could she explain what took place in the few days between Mr. Burn's statement on April 19 and the government's subsequent decision to close the cod fishery on April 24? More specifically, I would like to know what happened with respect to Mr. Burn's vow that the people of the province would have input into the final decision on the cod fishery.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows Mr. Burn may be the political minister for the Province of Newfoundland, but Mr. Burn is not the fisheries' minister. The Minister of Fisheries is the Honourable Robert Thibault. It is he who made the announcement on April 24 with respect to the closure of the cod fishery.

However, I can tell the honourable senator, because of a conversation that I had with Mr. Thibault, that there were ongoing discussions with Mr. Burn. He certainly did have input. As to his statement with respect to others having input, only Mr. Burn could answer that question.

Senator Cochrane: Honourable senators, Mr. Burn's interview on April 19 seems to suggest that he was not in the loop with regard to making the final decision to close the fishery. Being

from Newfoundland, he should have been in the loop, even though we have a federal minister.

Could the Leader of the Government in the Senate please account for the fact that Newfoundland's minister may have been cut out of the decision-making process with respect to the closure of the cod fishery?

Senator Carstairs: Honourable senators, my understanding is that Mr. Burn was actually at the announcement with Mr. Thibault, so obviously he was not cut out of any press conference held, nor is it my clear understanding that he was cut out in the deliberations leading up to that announcement.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

NATIONAL DEFENCE—PURCHASE OF TWO CHALLENGER 604 AIRCRAFT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Forrestall.

AGRICULTURE AND AGRI-FOOD— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 8, 9 and 10 on the Order Paper—by Senator Kenny.

ENVIRONMENT—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 17, 18 and 19 on the Order Paper—by Senator Kenny.

PUBLIC WORKS AND GOVERNMENT SERVICES— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 20, 21 and 22 on the Order Paper—by Senator Kenny.

CANADIAN FOOD INSPECTION AGENCY— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 23, 24 and 25 on the Order Paper—by Senator Kenny.

TREASURY BOARD—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 32, 33 and 34 on the Order Paper—by Senator Kenny.

[English]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of our former colleague, the Honourable Joan Neiman. Welcome.

[Translation]

ORDERS OF THE DAY

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Morin, for the second reading of Bill S-11, An Act to amend the Official Languages Act (promotion of French and English).—(*Honourable Senator Beaudoin*)

Hon. Gérard-A. Beaudoin: Honourable senators, it has been my position for some time now that section 41 of the Official Languages Act is mandatory and not simply directory. I continue to believe this.

I support, therefore, what my colleague, Senator Gauthier, has said about Bill S-11. Sooner or later, the courts will be called upon to settle this debate. The question is as follows: is section 41 imperative or instructive or, to use another legal expression, is section 41 mandatory or directory?

In a strictly legal sense, it is not always easy to tell if a text is mandatory or directory. So, from time to time, the courts are called upon to settle the matter.

Senator Gauthier has compared the wording of section 41 to that of section 36 of the Constitution Act, 1982, on equalization. Section 36 also uses the words "is committed to." Several constitutional experts, myself included, believe that section 36 is mandatory; at least, I hope it is. It is in the Constitution. Of course, if the courts were to interpret section 36, they would find it either mandatory or directory. If the courts found it mandatory, they would stop there. They would not tread into financial waters. They would let Parliament settle the matter. As in the Libman decision on Quebec's referendum legislation, the Supreme Court of Canada stressed freedom of expression. It stated that third parties should have the right to spend money, but it left it — as it clearly stated in the Libman decision — to Parliament to establish a ceiling on spending by third parties on referendums. In my opinion, section 41 of the Official Languages Act and section 36 of the Constitution Act, 1982, are imperative.

Honourable senators, I would like to say a few words on the general scope of the Official Languages Act. There is a tendency to ascribe greater importance to the Official Languages Act than to section 16 of the Canadian Charter of Rights and Freedoms, which is part of the Constitution. This has always surprised me. What is most important in our system is the federalist division of powers and the Charter of Rights and Freedoms. That is Canada.

Legislation that is passed under our Constitution must respect this Constitution. This goes to show that in the debate Senator Gauthier referred to, clearly the Constitution takes precedence over the Official Languages Act. The Official Languages Act must be in compliance with section 16 of the Charter of Rights and Freedoms, not the other way around.

Section 16 of the charter is fundamental. It is very significant, even if we do not talk about it very much. Canada's official languages are French and English and section 16 states that both languages have equal rights and privileges.

• (1510)

We must therefore strive for this equality. I do not see any other solutions. Section 16 of the Charter of Rights and Freedoms does not beat around the bush. It is quite clear. The Official Languages Act is subject to the Constitution. The Official Languages Act must be in compliance with it.

Representatives of the Territories and the francophone minority appeared before the Standing Senate Committee on Official Languages. I am using this as a comparison. Two theses are butting heads on the issue of bilingualism.

Both parties in the dispute are currently before the courts. In my opinion, neither party is prepared to make a compromise. In the end, it will be up to the courts to resolve the matter.

We will see whether the Official Languages Act fully complies with section 16 of the Canadian Charter of Rights and Freedoms. I will not say any more on this. This problem will have to be solved based on the equality entrenched in section 16 of the charter and all laws, federal and provincial, must respect this equality. I support Senator Gauthier's bill.

On motion of Senator Chaput, debate adjourned.

[English]

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study of the Canadian media), presented in the Senate on April 3, 2003.—(*Honourable Senator Gustafson*).

Hon. Joan Fraser: Honourable senators, I move the adoption of the report.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to have clarification on exactly what we are being asked to do. In the budget request, the Transport Committee has asked the Standing Committee on Internal Economy, Budgets and Administration for the approval of \$435,250 for its study, which, if one reads the details of the budget, appears to cover activities for the current fiscal year. I am not challenging the figures; I am trying to understand what we are being asked to do. Internal Economy recommends \$197,850, and in the paragraph leading up to the breakdown of that figure, it says, "The approved budget is as follows...." Is the approved budget for the current fiscal year a total of \$197,850, to be voted by the Senate, rather than the \$435,250 requested from Internal Economy?

Senator Fraser: Honourable Senator Lynch-Staunton has understood the figures perfectly. The \$197,850 was significantly less than we had hoped to receive from Internal Economy, and it is indeed for the current fiscal year.

I do not believe I am betraying anything when I say that when I appeared before the Standing Committee on Internal Economy, Budgets and Administration I was asked if this study could be stretched over two fiscal years. My answer was that if the Senate so wished, it certainly could be. Indeed, our original plan had been to stretch the study over two fiscal years, that is to say the fiscal year that ended four weeks ago and the current one. The vagaries of the parliamentary timetable means that we have not started our work until now.

Obviously, there is a great deal of work that we can do and plan to do for \$197,850. In the light, however, of that greatly reduced budget, it seems likely that in the future the committee will ask me to return to the Senate to ask for an extended mandate. If that were not available, we might ask the Senate for additional budgets for the current year.

What you see before you, honourable senators, is the amount of money that Internal Economy has deemed appropriate for this committee to receive to do this study in this fiscal year.

Senator Lynch-Staunton: Honourable senators, the terms of reference are quite specific. The Senate has confirmed that the committee must report on its mandate no later than March 31, 2004. Am I to understand that the committee is already thinking of extending its mandate beyond this fiscal year?

We either approve budgets for specific purposes within a specific time frame or we do not. What I am leading up to is that too often — and I am not pointing a finger at anyone in particular because I am using the plural — many committees accept reduced budgets by saying, "Wink-wink, we will come back with Supplementary Estimates and find the additional funds that way, following which we will return to Internal Economy and then to the chamber." In the long run, the original amounts requested are for all intents and purposes satisfied. Perhaps the situation is improving now, but in the past that has been the experience. I for one do not wish to play that game any more.

Can we be reassured that the amount requested today, for some \$200,000, satisfies the committee to meet its commitment to the Senate that it will report by the end of March 2004?

Senator Fraser: Honourable senators, if that is the wish of the Senate, that is what we shall do. I understood from my first meeting with members of the Internal Economy Committee that they wished to consider the prospect of spreading this study over two fiscal years. Nonetheless, the budget we presented was a real budget designed to cover all of the work that we thought necessary with quite strict commitments about things that we did not intend to do that would have added to the cost. For example, we will not be doing any foreign travel; it will all be through teleconferencing.

The budget of the committee was designed to meet all those expenses in one year. It was designed to be a real budget to meet the real needs of this study.

We were not given that money. We were not even given half of that money. If the Senate so decrees, we will cut our clothes to suit our cloth and complete our work within the allocated dollars.

• (1520)

Certainly, the budget that you see before you, which the Internal Economy Committee has proposed, is sufficient to do very extensive work in this fiscal year, and I believe that it is the intention of the members of the committee to make this one of the studies of which the Senate will be able to feel at least satisfied and, I hope, proud.

That is the best I can give Senator Lynch-Staunton, but for sure what you do not have here is the thin end of an unknown wedge. It is really not.

Hon. Terry Stratton: Honourable senators, my understanding is that the \$198,000, give or take, is sufficient to cover the study to completion. Is that what the honourable senator is telling us?

Senator Fraser: It is certainly not sufficient to do all that we had planned to do. Notably, it is not sufficient to enable us to travel across Canada as extensively as this committee believed we should do in order to allow people in every region of the country to explain their concerns, preoccupations and particular interests. I repeat: A committee must do what the Senate authorizes it to do. We have here, in this budget, essentially authorization for one regional trip. We will take that regional trip. If that is all we are to get, it will be a great disappointment, and we shall be at pains to explain to Canadians in our report why that is the only trip that we were able to take, but we will do our very best to make it the most fruitful trip possible.

Senator Lynch-Staunton: Senator Fraser is helping me in my long-standing argument, which is that when committees come for terms of reference, they should include a budget with that term of reference so we can decide the whole thing in a complete fashion, rather than doing it piecemeal.

Second, knowing her commitment to this study, has the honourable senator not thought that without the resources and time, perhaps she should not start this study? Is she implying that, with the limited resources being given to her and the time frame within which they must be spent, said resources may not be enough to conduct the kind of study and make the kind of report that she and her committee intended?

Senator Fraser: Honourable senators, I spent many years as a journalist always wishing that I had higher budgets to cover the stories and do the investigations that I was trying to do. There was never enough money. There is never enough money, anywhere. However, I learned that one does the very best one can with the resources that are available, and that the effort is worth making even if one could have done more, should the resources have been available.

Senator Stratton: As the chair of the study is aware, three of four of our members on the committee are away this week. Amazingly enough, three of the four are ill. I would like to have the opportunity to review this with them over the next couple of days, if I may, and therefore I move the adjournment of the debate on this issue.

On motion of Senator Stratton, debate adjourned.

STUDY ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

REPORT OF BANKING, TRADE AND COMMERCE
COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Sixth Report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Competition in the Public Interest: Large Bank Mergers in Canada*, tabled in the Senate on December 12, 2002.—(Honourable Senator Lynch-Staunton).

Hon. John Lynch-Staunton (Leader of the Opposition): I am not quite ready to speak to this matter. I will explain why when I do. Therefore, I would like to have it adjourned in my name in the meantime.

On motion of Senator Lynch-Staunton, debate adjourned.

INDEPENDENCE OF SPEAKER IN WESTMINSTER MODEL OF PARLIAMENT

INQUIRY STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.—(Honourable Senator Oliver).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Oliver is aware, as are we, that this inquiry stands at the fifteenth day. We do not intend to speak further to it because the subject-matter is part and parcel of a bill that is before the house, so it will drop off the Order Paper.

The Hon. the Speaker: Stand.

[Translation]

LINGUISTIC DATA IN 2001 CENSUS

INQUIRY—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose, pursuant to notice of December 11, 2002:

That he will call the attention of the Senate to the demo-linguistic data in the 2001 Census dealing with Canada's language profile and many other useful facts of national importance.

He said: Honourable senators, I do not plan to speak to this matter today.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, since Inquiry No. 13 of Senator Gauthier, on the Orders of the Day, has stood on the Order Paper for fifteen days, would the honourable senator like to say a few words to stand this motion once again?

Senator Gauthier: I appreciate Senator Robichaud's comments.

I would like to speak to this matter, but I am not prepared to address this inquiry today. I would like to adjourn the debate. I will speak to this matter next week.

On motion of Senator Gauthier, debate adjourned.

[English]

The Hon. the Speaker: It is moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Maheu, that further debate on this matter be adjourned to the next sitting of the Senate, and that it stand in the name of Senator Gauthier for the balance of his speaking time.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY
FRENCH-LANGUAGE BROADCASTING
IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier, pursuant to notice of December 11, 2002, moved:

That the Standing Senate Committee on Official Languages be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

He said: Honourable senators, this is not the first time I have raised the issue of examining and reporting upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

• (1530)

You will recall that, in 1999, I tried to convince the federal authorities of the need to give official language minority communities regular access to programming in their language and in their community. That was difficult.

Ontario is the only province in Canada with two educational TV channels—one in English (TVO, TV Ontario), and one in French (TFO, Télévision française de l'Ontario).

I thought that we ought to be able to expect to be able to see each other, speak to each other, through modern-day television. I thought that Ontario educational television could help other provinces that lacked educational TV. I even went as far as doing a study of this.

I devoted the entire summer of 1999 to the preparation of a study of the possibility of this, a feasibility study. I believed in the urgency of such an issue for our education system everywhere in Canada.

It is true that TFO goes to New Brunswick, Nova Scotia, Manitoba even, but not elsewhere. Particularly not to Quebec. The cable companies told me: "No, we already have educational TV in Quebec, and do not need a second channel." The argument did not really hold up.

I wanted to extend the broadcast area so as to enable Canadians everywhere to benefit from educational television suited to their needs. This would be commercial-free programming, with no violence or sexism. I did not succeed.

Because I kept on insisting, a good idea came along. The cabinet issued an order-in-council calling upon the CRTC to study the needs of Canada's francophone communities, particularly those in minority situations. This took some time, but led to a very good report, "Achieving a Better Balance/Vers un avenir mieux équilibré," a title that is self-explanatory.

After the report was tabled in this Chamber, I moved that it be referred to a standing Senate committee. The motion was agreed to by the Senate and the report was referred to the Standing Senate Committee on Transport and Communications. Nothing happened. Total silence for over a year!

Something happened that occurs rather often: Parliament was prorogued, my motion died on the Order Paper, and there was no study done of the report, despite its importance to the communities and to Canada as a whole.

The report documents our great need to talk to each other, to see each other, to listen to each other, and to discuss. Television today is an important tool for communication, information and education. I sincerely believe that educational television falls under section 23 of the Charter of Rights and Freedoms, which says that official language communities have a constitutional

right to manage their educational institutions. We have seen this with regard to schools, where school boards — as they are called in Ontario — are now run by the minority. This was not the case before 1982. It is in the Constitution. I contend that educational television is an educational institution just like a college, a university, or a school. It is important for distance education, for isolated communities, who can have access to modern education as a result. This proposal was full of good sense, but it has not yet been successful.

I can give you an example of the way we are treated in Ontario. Last week I learned of a decision by TVO to separate the program schedules — previously published together, in English and French, in a magazine called *Signal* — and to publish TVO's programming in English only. Francophones, you are on your own!

There was some reaction, including my own. This is a reactionary decision. I thought that Ms. Bassett, the chair of TVO, had received poor advice. If the decision was made for economic reasons, it was not right.

I wrote to Ms. Bassett and I said: "Please change. Put *Signal* magazine back into circulation, in English and in French."

This decision tells francophones that they are not important enough. Someone wants to separate the two networks: if that is what they want, I will support them. If my definition is accepted, meaning that television is an educational institution, then the minority will have the right to manage it. If it comes to pass, then no one will be pulling the wool over our eyes the way the chair of TVO did last week. It is unacceptable. Things like this happen every day. If we could manage our own institution, our own educational television, we could make arrangements with the Acadians from the Maritimes and the francophones in the West to share and develop a national minority television service, together. This important link would promote unity.

In the report on the development of francophone communities released recently by Minister Dion, it states that, right now, 24 per cent of young people are graduating from immersion programs. The report proposes increasing this to 50 per cent within ten years. In order to succeed, institutions and incentives need to be in place.

• (1540)

Statistics have shown that when immersion programs are over, children quickly lose their ability to communicate in both languages because they do not have the opportunity to use French. If these children had access to educational television in French and English in their regions, they would have the opportunity to use both languages and maintain their bilingualism.

That is my vision of Canada. It seems to me that it is essential that we promote, develop, protect and, if possible, encourage both communities to flourish across the country.

The motion now before the Senate proposes that this report be referred to the Standing Senate Committee on Official Languages for study and recommendations on the implementation of the CRTC's report.

I gave a speech on this subject in 2000 and again in 2001. At the risk of repeating myself, it is essential that the Standing Senate Committee on Official Languages study this matter. I asked the joint committee to examine this report, which is quite interesting and stimulating, but to no avail.

I will quote a few excerpts from this report, if I may. Paragraph 36 reads:

It is the opinion of several associations and individuals who took part in the public consultations on this subject that determining the audience who should have access to French-language broadcasting services is the key element of any initiative to increase the availability of such services.

Then, in paragraph 37:

In PN CRTC 2000-38, the Commission proposed that the compulsory application of its policy would be limited to undertakings whose licensed area is in a market where the number of people having a knowledge of the minority official language amounts to at least 5,000 or 10 per cent of the market's total population. The Commission received a number of comments proposing amendments to this approach.

Here is where the problem lies: this calculation is done only where numbers justify, that is a minimum of 10 per cent or 5,000 people.

What is needed is a well thought-out television, a national television for communities and individuals. People in the Yukon, the Northwest Territories, Nunavut ought to be entitled to programming in French at any time. This is, to my mind, elementary and essential to our very survival; otherwise, assimilation will take place, slowly but surely. We need the tools and the means to conserve, preserve and develop our cultural and linguistic heritage.

Honourable senators, I could go on for some time, and I could read a text I have prepared on this, but I will save it for committee. I hope this motion will be referred to the Senate Committee on Official Languages for study and consideration.

[English]

The Hon. the Speaker: Is the house ready for the question on Senator Gauthier's motion?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, for your information, when a senator moves that a committee undertake a special study — in this case, other than that of a bill — the motion must indicate the date on which the committee is required to table its report. Perhaps Senator Gauthier might amend his motion so that it sets out the date on which the committee must present its report to the Senate.

Senator Gauthier: The CRTC is not a federal institution as defined by law. Therefore, the Deputy Leader of the Government in the Senate is correct. We must establish a deadline. I move that the deadline be October 22, 2003 — my birthday.

[English]

The Hon. the Speaker: Honourable senators, the mover of the motion can, with unanimous agreement, vary his or her motion. It is proposed by Senator Gauthier that he vary his motion to include the wording, "and that the Committee report back to the Senate no later than October 22, 2003."

Is it agreed, honourable senators, to add that language to Senator Gauthier's motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed.

Hon. Shirley Maheu: Honourable senators, would it not be advisable to ask if it is possible for the committee to report back by October 21?

The Hon. the Speaker: The chairman of the committee is here.

Would the Honourable Senator Losier-Cool be prepared to comment on that suggestion?

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, the committee tabled a financial report today for consideration tomorrow. This report addresses the budget for committee work scheduled for the fall, namely consideration of Part VII of the Official Languages Act. Senator Gauthier's question to the committee could therefore be part of the study we intend to carry out on this issue. The report will, consequently, not be ready by October 22. We can, however, come back and ask that this deadline be extended.

[English]

The Hon. the Speaker: Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Kroft:

That the Standing Senate Committee on Official Languages be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada; and

That the Committee report no later than October 22, 2003.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, April 30, 2003, at 1:30 p.m.

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Wednesday, April 30, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, April 30, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before calling Senators' Statements today, and because we are proceeding under a new rule, I remind you of the provisions for tributes contained in rule 22, as amended by the motion adopted on April 1 of this year.

Section 22(10) reads:

At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator...

Rule 22(11) further provides that:

The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may only speak once.

Before proceeding, honourable senators, I advise that I have received a letter from the Honourable John Lynch-Staunton, Leader of the Opposition, which reads as follows:

Pursuant to rule 22(10) of the *Rules of the Senate*, I wish to request that the time provided for "Senators' Statements" be extended on Wednesday, April 30, 2003 for the purpose of paying tribute to the Honourable Richard Doyle, former Senator, whose death occurred on April 9, 2003.

Hon. Herbert O. Sparrow: I have a point of order, if I may.

The Hon. the Speaker: Points of order must be raised at the end of Routine Proceedings, which is just before Orders of the Day.

Senator Sparrow: May I then ask a question of the Speaker about the statement that the Speaker made?

The Hon. the Speaker: You may, but I must advise honourable senators that we are using up the 15 minutes that the rules provide for tributes. We have had a request from the Leader of the Opposition to be the first speaker on tributes.

Senator Sparrow: I appreciate that, honourable senators, but the rule reads further that:

The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute...

I assume that that must be done before the tributes begin. The Speaker must indicate how much time is allocated, of which there shall not be any more than three minutes per speaker.

The Hon. the Speaker: Honourable senators, I did not read the whole rule, as I believe it speaks for itself. It is three minutes per speaker.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE
RICHARD JAMES DOYLE, O.C.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, tributes to our late colleague Richard Doyle, in the days following his death, were understandably concentrated largely on the outstanding contributions he made to his profession and, in particular, to *The Globe and Mail*, with which he was associated for so many years, and which today continues to benefit from his skills and his understanding of the role of a journalist. So little was said or written about his years as a senator. Indeed, Dic Doyle's too short stay as a member of the Senate allowed those of us privileged to be his colleague, whatever our political allegiance, a unique opportunity to share in and profit from his extraordinary talents and admirable work ethic.

He was loyal to caucus without compromising his beliefs. He brought to any debate a level of intellect and precision of thought that drew undivided attention. He never succumbed to unprincipled compromise, whatever pressure was put on him to do so.

To repeat what I said at the time of his retirement from the Senate, Somerset Maugham once wrote of conscience being the guardian of community rules. Richard Doyle was a guardian of ours.

Dic's office door was always open. I have lost count of the times I went to see him without warning to seek counsel on a bill, to ask for improvements to a text, or simply just to sit and chat and benefit from his wisdom.

His last years here and until his death were not kind to him, as he suffered from a number of infirmities, yet his hand remained firm and his mind as stimulating as ever. This allowed the occasional exchange, the last one a conversation on his 80th birthday last month. Soon after, his beloved wife, Flo, died, and Dic was to follow only a few days later. May they both rest together in a peace they so richly deserve.

Hon. Joyce Fairbairn: Honourable senators, I am honoured to express, on behalf of our government leader, Senator Carstairs, who is unable to be here today, the sadness of senators on this side of the house on the death of our former colleague Richard James Doyle.

When we lose a trusted and beloved comrade, tradition very often dictates a ceremonial remembrance, cloaked in solemnity, sadness and respect. All those qualities were present at the final farewell to our late colleague, which some of us attended, in Toronto two weeks ago today. However, the constant sound of laughter that rippled through Trinity College chapel, and dominated the reception afterwards, truly reflected the character and spirit that motivated this talented, feisty, brave and lovable man — World War II air force veteran, journalist extraordinaire, officer of the Order of Canada, great promoter of literacy, and a senator in the Canadian Parliament.

From the day he entered this place in 1985, until his retirement 13 years later, he made a tremendous contribution to our debates and our committees. Indeed, we shared a great experience on his and my favourite, Legal and Constitutional Affairs, when the two of us, led by that fierce advocate of prison reform, Senator Earl Hastings, toured some of our most famous correctional institutions holding hearings with inmates, wardens and guards who had been left off the witness list on a major parole bill in the other place. We got the job done.

• (1340)

His speeches in this chamber remain forever as evidence of his skill as a wordsmith; his deep compassion for those in trouble without it being their fault, such as victims of hepatitis C; his articulate, and almost fierce, advocacy for Canada, particularly Ontario and Toronto, where he became part of our national newspaper history with his 20-year reign as editor-in-chief of *The Globe and Mail*, a longer period than anyone in that position, other than the paper's founder, George Brown.

If there were a hall of fame or a special sidewalk for the footprints of journalistic heroes, Dic Doyle would be right up there at the top.

He was never keen on the word "journalist." Back in the days when he cut his teeth on the *Chatham Daily News*, it was a badge of honour to be called a "newspaperman," and, best of all, an "ink-stained wretch." One has only to read Dic's wonderful book *Hurly Burly* to get a feeling of the rollicking life that occupation offered and the role he played in guiding *The Globe and Mail* into the position of Canada's national newspaper.

His creed was that the job must be about fact and truth. Those who gathered to speak and honour him and his family represented the best in the business going back perhaps half a century, spurred on by the guidance, the confidence and the freedom granted them and so many others by Dic Doyle. My late husband Mike Gillan was one of those *Globe & Mail* "ink-stained wretches" who

remained a devoted admirer of the editor, the mentor, the senator and always the friend.

Dic's life would not have moved down that remarkable path without the support and the laughter of his beloved wife Flo who departed just two weeks before him. Together they have left their children, Judith and Sean and wonderful granddaughter Kaelen with great memories and a mighty challenge to live as fully and courageously as they did, particularly through the difficult times and illness of Dic's later years. For Senator Carstairs and all of us, we send them our deepest sympathy and best wishes.

Hon. Lowell Murray: Honourable senators, as an editor, Richard Doyle would almost certainly have wielded the blue pencil on some of the encomiums pronounced by his fellow journalists recently, as he would have scorned and struck a word so archaic and pompous as "encomiums" from my intervention today. Still, he could only be gratified, in particular, by the expressions of enduring gratitude and respect from among those who, early in their newspaper careers, were lucky enough to have had him as mentor and friend. We learned that Dic Doyle's standards and his example helped form the professional conscience of some of today's most respected journalists.

On April 16, many of them joined Senate colleagues, family and friends in the Trinity College Chapel at the University of Toronto. Senator Fairbairn has described the scene. At the Anglican funeral service, Reverend Kenneth Bagnell, a United Church minister and journalist who had served his young apprenticeship under Dic Doyle at *The Globe and Mail*, expertly combined homily and eulogy in a warm tribute to his friend. John Fraser, who accurately described himself as the *Globe* ballet critic sent by Dic Doyle as the first correspondent in Communist China, presided over a reception at Massey College, where he is now Master. Clark Davy, Dic's managing editor and partner at the *Globe*, spoke, as did Michael Valpy, one of Dic's well-known protégés, still at the *Globe*. Senator Lynch-Staunton spoke for us.

Dic Doyle had come to the Senate a week after his sixty-third birthday in 1985. In any reading of this man's life and work, I believe his fully dedicated years in the Senate complement perfectly the career of the small-town Ontario boy and newspaperman, the young flying officer from RAF Bomber Command, the respected newspaper editor. This life experience, together with his discernment and judgment, his integrity and his insistence on truth, were a gift to Parliament.

In his latter years here and following his retirement, he shrugged off an appalling combination of health problems — cancer, heart trouble, diabetes — and stayed mentally alert, informed, engaged and always forthcoming when asked to help work through a problem or comment on a draft text or proposal.

What he could not shrug off was the sudden passing of his dear wife Florence on March 20. If he was not able to choose the exact time of his own departure, he was, after such a full life and such a grievous loss, more than ready for it and, we may believe, blessed when it came on April 9.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, those who had the privilege to be a seatmate of Senator Doyle knew that our apprenticeship in this honourable house was being served beside a true journeyman senator. Dic Doyle was a colleague who demonstrated to all his heroic eloquence, even in the face of physical adversity. Every statement that he made was punctuated by dedication, integrity, respect, fairness, friendship, truth and justice.

It is said that "the pen is mightier than the sword," and this was ever so true when the pen was in Senator Doyle's hand. Former Prime Minister Brian Mulroney once remarked, "When Dic Doyle would cut people up, including me, there was never any malice to it." As the former Prime Minister stated, Dic Doyle played a civilizing role and was widely influential in the Senate, precisely because he was so respected.

The editor's pen was ever at the ready, and I often observed the Leader of the Opposition passing back draft speaking notes that Senator Doyle would, shall I say, "adjust," for I am sure that an "imprimatur" was not being sought by the Leader of the Opposition, but perhaps a "*nihil obstat*" was.

Our wish today, honourable senators, is that our friend and mentor now rests with sacred scribes in the Bosom of Abraham.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to add some words on the passing of Senator Doyle. For those of us who speak about ethics, a topic currently before the Senate, one should simply read the speeches of Senator Doyle to know how one should conduct themselves in this chamber. Senator Doyle was probably the most principled senator that I have come to know in this chamber. He gave of his time, as other speakers today have noted, and I was fortunate to have an office close to his. He took it upon himself, without my invitation, to pass on his wisdom, which I found held me in good stead in every case.

He used words, but his words were measured. He valued the words, and he knew that any word spoken in this chamber would be a word that he would have to put into action and live by. Therefore, he did not speak quickly. When he spoke, he spoke with great thought, care and always with the guiding principle that he was here to serve Canadians and that it was a privilege to be in this place. That was the message that he conveyed to me on my first meeting with him that I should never forget, and I hope I have not.

He was also one to pass on, in a succinct way, some of the truths of this place that sometimes are not seen at the start. He told me that I may see Progressive Conservatives and Liberals in the Senate, but he said that is not the important thing when one works here. He wanted me to remember that there are spenders and savers. Anyone who served on the Internal Economy Committee while he was a member certainly grew to know which side of the fence he was on. He was very cautious to work for the best interests of the citizens.

If any new senator wishes to form an impression of Senator Doyle or to take a lesson on how one should conduct themselves in this chamber, they should simply go back over his wonderful, humorous speeches that are reported in Hansard. They are full of wisdom.

I know that when his wife passed away, much of him passed away with her. As has been pointed out, his passing was almost a blessing, but his life was certainly a blessing for us.

• (1350)

NATIONAL FORESTRY WEEK

Hon. Donald H. Oliver: Honourable senators, I am pleased to speak today of the importance of having next week as National Forestry Week. Canada's forests have played a significant role in the economic development and prosperity of our country. Canadian forests cover more than one half the country's land mass and reach from the Atlantic to the Pacific. In 2000, Canada's forest industry provided direct employment to 373,000 people and indirect employment to another 700,000, and forest products contributed \$20.8 billion of the country's gross domestic product.

I am certain you are aware that Canadian forests offer many benefits to the health and well-being of Canadians. Forested areas are home to almost two-thirds of Canada's 140,000 species of plants, animals and micro-organisms. They provide tourism opportunities and fulfil recreational needs for an increasing number of urban dwellers. Forests have also had an important moderating effect on climate conditions. They filter our air and water and they rebuild and regenerate soils, preventing erosion.

However, all these important assets are vulnerable to climate change. Climate change is already affecting countries around the world, prompting international governments and non-governmental agencies to take action to help us deal with the effects of climate change. The globe's surface temperature has increased 0.6 degrees since the late 1800s. It is predicted to increase another 1.8 to 5.8 degrees by the year 2100.

Available research indicates that regional variations in temperatures have caused such changes as declines of some plant and animal populations, the earlier flowering of trees and the emergence of new insects and pests. The impact on Canada's forests is expected to be profound. Major changes are predicted in future forest growth and survival, tree species migrations and ecosystems shifts, increased shoot damage and tree die-back due to winter thaws, greater risk of forest fires and insect infestation and increased damage to forests due to extreme weather events. These, in turn, would produce socio-economic effects such as changes in timber supply and value, loss of forest stock, changes in land values, reduced land use options, increased land use conflicts and dislocation of parks and natural areas.

Honourable senators, the effects of climate change are already with us but, as the effects become increasingly evident, Canada's forests will be called upon to play an even broader and more complex role. For example, forestry practices such as reforestation can contribute to reducing greenhouse gas emissions, a fact that could affect the development of future forest management strategies. On the other hand, our forests must, at the same time, adapt to new conditions resulting from climate change. Less precipitation and less rainfall, combined

with more sun and high temperatures, can expose our forests to extreme drought conditions. The forest industry and policy makers will have to develop policies and practices that enable our forests to be managed in a socially, economically and environmentally sustainable manner. These policies must be implemented in order to generate forest products and contribute to the vitality of our rural communities while simultaneously adapting to changes in the climate and the world market.

In conclusion, the Standing Senate Committee on Agriculture and Forestry is studying how Canada's agriculture, forests and rural communities can adapt to the effects of the changing climate. A preliminary report of its findings will be issued in June.

NATIONAL ARTS CENTRE

ATLANTIC SCENE— ANNE OF GREEN GABLES MUSICAL

Hon. Elizabeth Hubley: Honourable senators, in a world troubled and weighed down by conflict, strife and disease, there is one magical story of youthful exuberance and family life that continues to entertain and lift the spirit. It is an Island story of a little, red-haired orphan girl who finds a home in the mythical rural village of Avonlea, under the sheltering roof of an old family homestead called Green Gables.

Written by Prince Edward Island authoress Lucy Maud Montgomery in 1908, *Anne of Green Gables* has become a classic of children's literature, translated into numerous languages and read and enjoyed by countless children and adults around the world.

In 1965, as part of the inaugural Charlottetown Festival at the newly-opened Confederation Centre of the Arts in Charlottetown, *Anne of Green Gables*, the musical, was born. Based on L. M. Montgomery's enchanting novel, the music was written and composed by Don Harron and Norman Campbell, with lyrics by Elaine Campbell and Mavor Moore.

Anne of Green Gables, the musical, is a Canadian cultural icon. Moreover, honourable senators, it has also become a vital part of Prince Edward Island's tourist industry. Indeed, the Charlottetown Festival was named the top event in Canada for 2003 by the American Bus Association and has been consistently named one of the top 100 events in North America by the same prestigious organization.

Since its opening performance on the Confederation Centre's main stage, *Anne* the musical has played to about 3.2 million people worldwide — in Charlottetown, of course, but also in other Canadian cities as well as in New York, London, England, and Japan.

Honourable senators, I am proud to inform you that *Anne of Green Gables*, this timeless classic of Canadian musical theatre, is presently on stage at the Centrepoint Theatre in Nepean as part of the Atlantic Scene Festival of East Coast artistic talent. *Anne* opened last night to a sold out and appreciative audience and will run through to May 3 with eight performances. I am sure you will join me in wishing the entire cast and crew of *Anne of Green Gables* a successful week at the Centrepoint Theatre and another record-setting summer in Charlottetown.

Anne Shirley was a fiery and outspoken little girl. She probably would have made a good parliamentarian. She believed passionately in family and home, and in loyal and true friendship. Indeed, she referred to her friends as "kindred spirits."

Honourable senators, to conclude, I can only repeat those familiar words of the song from the musical: "Anne of Green Gables, never change. We like you just this way."

GOVERNMENT OF QUEBEC

LIBERAL VICTORY IN PROVINCIAL ELECTION

Hon. Michael A. Meighen: Honourable senators, on October 30, 1995, and again on April 15, 2003, most of us anxiously watched election results coming in from the Province of Quebec. Fortunately, in each case the results were positive for Quebec and for Canada. The common thread through both was the Honourable Jean Charest, now the new Premier of Quebec.

None of us will ever forget Jean Charest's commitment to Canada, a commitment to a cause that, for him, has always transcended political lines, a commitment that he has eloquently put forward at every point in his career and in every corner of this country. It was this overarching commitment to the future of Canada that ultimately led Jean Charest to Quebec City and to his splendid victory last week.

Of course, honourable senators, it did not happen overnight. It took two provincial elections, five years and countless hours of hard work, rebuilding the party in his own image, not to mention the challenge of overcoming the ever-present sceptics and naysayers. However, overcome them he did. I know that all honourable senators will watch with considerable interest as he puts in place the bold and innovative program for change he set forth during the election campaign, a program that Quebecers have enthusiastically endorsed.

[Translation]

Yesterday, I had the great pleasure and honour, along with Senator Rivest, of attending the swearing-in ceremony of the new cabinet or Conseil des ministres. For the first time in ten years, the Canadian flag could be seen in the Salon rouge.

Michel Morin wrote the following in his April 14 article in the *Tribune de Sherbrooke*:

The Liberals owe this victory, one as yet unexpected ten days or so ago, entirely to their leader. Admittedly, Jean Charest's campaign was an exemplary one, and one that will likely go down in the annals of Quebec's political history.

Later on in the article, he wrote that the victory was not a Liberal victory, but:

...the victory of their leader, Jean Charest, and his alone!

[English]

We can now look forward to tough, reasoned positions articulated by the Government of Quebec on all issues; a Quebec that, as Jean Charest stated, will once again assume a position of leadership in the Canadian federation.

[Translation]

I wish to extend my best wishes to Jean, his wife Michèle and their children Amélie, Antoine and Alexandra, as he embarks upon this very important role for Canada and for the future of Quebec.

• (1400)

I know that he had the assurance of the invaluable support of his family throughout his campaign, which has enabled him to say, without hesitation, "I am ready."

[English]

And ready he is, honourable senators.

Hon. Senators: Hear, hear!

ASIAN HERITAGE MONTH

Hon. Vivienne Poy: Honourable senators, as most of you are aware, in December of 2001, the Senate voted unanimously to recognize May as Asian Heritage Month in Canada. This was followed by a formal signing of a declaration on May 21, 2002. This month, the Government of Canada unveiled a new poster in honour of Asian Heritage Month at the Diversity and Culture Conference. Celebrations are taking place in most major cities across Canada throughout the month of May.

Canadians of Asian heritage across the country have been delighted at this official recognition of our significance to Canada. We view this month as a valuable opportunity to raise awareness among the mainstream community about Asian-Canadian contributions to Canada. Volunteers are working very hard to reach out to their communities and to make their events as inclusive as possible.

In these efforts, we need your help. No doubt you are aware that SARS has left its mark on Asian communities in Toronto, but I want you to know that the Asian community is fighting back. We are rallying together in the fight against SARS, as well as some of the racial language that has come with this disease. We want you to know that SARS is not a Chinese disease, nor is it an Asian disease. We are uniting together to celebrate our communities and, given the recent crisis, we need to do this now more than ever.

[Senator Meighen]

We invite all honourable senators to come out and show their support and leadership by attending and publicizing these events. Whether you are in Halifax, Montreal, Ottawa, Toronto, Winnipeg, Calgary or Vancouver, please make an effort to attend at least one event during the month of May. All the activities are listed on the Canadian Heritage Web site, and I will send more information to your offices.

According to the 2001 census, Canadians of Asian heritage now make up almost 10 per cent of the population of Canada. In cities such as Toronto and Vancouver, we now form a critical mass. There are over 1 million Asian Canadians in Toronto and almost 700,000 in the Vancouver area. The numbers have also grown exponentially over the past few years in cities across the country, including Ottawa. Undoubtedly, if immigration patterns remain stable, this number will continue to grow. As such, what affects the Asian community affects us all — socially, politically and economically.

Honourable senators, I invite you to join in the celebrations and pay tribute to the strength that Canada has derived from those of Asian heritage. Cultural diversity continues to enrich this nation, and we must embrace it as a unique Canadian asset, as Canada opens its doors to the world.

In May, Canadians can learn about Asian heritage and Asian Canadian history. This is an opportunity for the building of new networks and friendships that will last a lifetime. I know that Asian Heritage Month will have a positive impact on all Canadians. We are all proud of our multicultural country and its many achievements. In the face of the many crises that threaten the values that we hold dear, it is important that community and political leaders work together to reinforce the multicultural ideals that form such an essential part of our Canadian identity.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the Speaker's Gallery of Ms. Cheryl Hannaford and Ms. Shirley Sharzer. They provided assistance to our former colleague Senator Doyle in his years here. Welcome to the Senate.

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NINTH REPORT OF COMMITTEE TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the ninth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with its mandate under rule 86(1)(f) of the *Rules of the Senate*.

[Translation]

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—REPORT OF COMMITTEE ON
STUDY OF MATTERS RELATING TO STRADDLING
STOCKS AND FISH HABITATS PRESENTED

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Wednesday, April 30, 2003

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on November 6, 2002, to examine and report from time to time upon the matters relating to straddling stocks and to fish habitat, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary, and that it be allowed to adjourn from place to place within Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERALD J. COMEAU
Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 774.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Comeau, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

COOPERATION AND DEVELOPMENT MEETING,
MARCH 25-28, 2003—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6) of the *Rules of the Senate*, I have the honour to table, in both official languages, the report of the Canadian section of the Assemblée parlementaire de la Francophonie, as well as the related financial report. The report concerns the meeting of the assembly's Committee on Cooperation and Development, which was held in Ottawa from March 25 to 28, 2003.

QUESTION PERIOD

THE SENATE

ABSENCE OF LEADER OF THE GOVERNMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, as you can see, the Leader of the Government in the Senate had to absent herself from the national capital as a part of her responsibilities as a minister. Unfortunately for all of the senators, and fortunately for me, I cannot give answers on behalf of the Government Leader in the Senate. However, I can take note of any questions.

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table the response to an oral question raised in the Senate on April 3, 2003, by Senator Stratton regarding total government expenditures, net revenue from the goods and services tax and net revenue from employment insurance premiums.

FINANCE

TOTAL GOVERNMENT EXPENDITURES,
NET REVENUE FROM GOODS AND SERVICES TAX AND
NET REVENUE FROM EMPLOYMENT INSURANCE
PREMIUMS SINCE 1993

(Response to questions raised by Hon. Terry Stratton on April 3, 2003)

This Government's commitment to good fiscal management speaks for itself. This Government took office in 1993 with a plan to restore the integrity of the Government's finances by first reducing and then eliminating the deficit.

And the Government has done that. Moreover, it has done so through a prudent and balanced approach to managing the nation's finances.

When the final financial results for fiscal year 2002-03 that came to a close on March 31 are reported later this year, they will show that this Government has recorded its sixth consecutive budgetary surplus. Over this period of fiscal surpluses, the Government has reduced the debt by more than \$47 billion.

Further, as announced in the 2003 Budget, the Government is committed to balanced budgets or better and further reducing the public debt in each of the next two years. This will mean eight consecutive years when this Government has delivered balanced budgets or better.

Expenditure control has been the key underpinning of the Government's fiscal management. With the elimination of the deficit, the Government has made investments in key high-priority areas, such as health care, and skills and innovation. Even with these investments, program spending relative to the size of the economy is about 12 per cent of GDP, which is near a postwar low and well below the 16 per cent of GDP recorded in the early 1990s.

The Government is committed to ensuring that its programs continue to be relevant, effective and affordable and will reallocate spending from low to high priorities. To this end, the Government announced in the 2003 Budget that it will launch an ongoing examination of all of its non-statutory spending on a five-year cycle.

The Government's commitment to expenditure restraint and balanced budgets enabled the Government to introduce the largest tax reduction in Canadian history. The 2003 Budget built on that five-year, \$100 billion tax reduction plan by introducing further tax reductions.

In response to the suggestion that the surplus is due to net GST revenues and the cumulative balance in the Employment Insurance (EI) Account, it is incorrect to say that the budgetary balance is due to the excess of a particular revenue source or sources. The budgetary surplus or deficit reflects the balance of all revenues and expenditures.

The EI Account has existed for some time and has been consolidated with the books of Canada since 1986, on the recommendation of the Auditor General. The cumulative surplus is simply a bookkeeping entry that adds up annual premium revenue and program cost transactions.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HEALTH—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 44, 45 and 46 on the Order Paper—by Senator Kenny.

NATURAL RESOURCES—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 47, 48 and 49 on the Order Paper—by Senator Kenny.

ATLANTIC CANADA OPPORTUNITIES AGENCY— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 41, 52 and 53 on the Order Paper—by Senator Kenny.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 54 on the Order Paper—by Senator Kenny.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 84 on the Order Paper—by Senator Kenny.

[Senator Robichaud]

• (1410)

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce to you a visiting page from the House of Commons.

Catini St. Pierre, from London, Ontario, is enrolled in the Faculty of Arts at the University of Ottawa and her major area of study is History.

Welcome to the Senate.

Hon. Senators: Hear, hear!

BUSINESS OF THE SENATE

Hon. Herbert O. Sparrow: Honourable senators, this is not necessarily a point of order, but it may be. It is in relation — and I need to be further advised on this — to the Speaker answering a question I had pertaining to tributes at the beginning of today's sitting. In the provision for tributes, it does say that the Speaker shall advise the Senate of the amount of time to be allowed for each intervention by senators paying tribute, which shall not exceed three minutes, and that a senator shall speak only once.

That provision would indicate that if there were more speakers than would take up their three minutes, as allowed in the 15 minutes, then the Speaker is to notify those senators that they have only one minute to speak, or two minutes to speak, whatever the number of senators would be within that period of time.

Honourable senators, that raises a number of questions. One, it would mean, then, that anyone who intends to speak on that matter must notify the Speaker so that he can make a list. That is not normally the way the Senate operates. Basically, when a senator rises, he is allowed to speak.

In His Honour's response to me, he said that he had read that statement in the rules, and it indicated that each senator had three minutes to speak. However, if honourable senators refer to the report of the committee when it reported on these changes, and when the senator moved this amendment — and this is where some of the confusion arises — that was the exact wording of the committee's report to the Senate.

That report stated that on those occasions when a large number of senators wished to speak, it might be necessary to reduce the time allotted to individual Senate speakers. Your committee strongly believes that 15 minutes ought to be a maximum, and that no leave to extend the time should be sought or granted. That indicates that there should have been a provision if there were to be more than, say, five speakers. If there were to be six, then the time would have to be cut down for each of those speakers.

Could His Honour tell me whether I am reading that provision correctly?

The Hon. the Speaker: Honourable senators, Senator Sparrow's matter is more in the nature of an inquiry than a point of order, but because this is the first time that we have used the new rules for tributes, perhaps it is appropriate to try to clarify questions such as the one the honourable senator is asking.

Senator Sparrow's comments envisage the answer in terms of there being more than five wishing to pay tribute, leading to the conclusion that they would not have three minutes each, which is the maximum that any one senator, under the rule, is permitted to speak in tributes.

As to the list of those wishing to pay tribute, it is not unusual for the Chair to receive an indication from senators through the deputy clerk, who liaises with the Speaker from the Table, to have an indication of who wishes to take the floor in paying tribute. That was the case today and, in fact, there were five names on the list that, with the assistance of the deputy clerk, I used to call senators. I might observe that there was some deviation from that list during the paying of tributes.

If, in fact, I — or whoever is in the Chair at that time — have received an indication, as I would expect to do in the normal course, of more than five senators wishing to speak, it would be useful, where a request has been made to use an additional 15 minutes for tributes, to indicate, before calling Senators' Statements, that less than three minutes would be available. However, there is no better answer in the rules than the one I am attempting to give you now, that I can think of, Senator Sparrow. I hope that will be helpful to honourable senators.

Senator Sparrow: Is His Honour suggesting that if a senator wishes to speak on tributes, he or she must notify the Speaker beforehand? That would be unusual if that were the case. It is courtesy, in some instances, to notify the Speaker that you wish to speak, but it is not a requirement, and I am hoping that we are not making that a requirement.

It is obvious that sometimes one comes into the Senate not knowing that tributes are to be made that day; that one might come in while tributes are being made, and there is no opportunity even to notify the Speaker except when His Honour stands. Somehow or other, we need further clarification on that issue.

The Hon. the Speaker: Senator Sparrow, you are quite right, and I agree that it is not necessary that a senator submit his or her name in advance. It would be wise for them to rise early, to signal to the Speaker a desire to speak, and then their name could be added to a list that might already be in the hands of the Speaker through the means that I described earlier.

Again, this is a new rule and we will have to learn how to use it. If, for any reason, senators find it wanting, it will then, of course, need to be brought forward again as a consideration of whether the rule is as we want it to be.

Hon. Marcel Prud'homme: Honourable senators, on the same point, very briefly, it is also understood that if senators could not

make that list that day, they can get up at any time thereafter on Senators' Statements for the purpose of rendering homage to someone who may have passed away, whether a sitting senator or not. I have been following the matter closely, and I believe it is part of the deal that took place when this new rule was adopted. No one will be excluded. If they are not reached on the list that day because of the 15-minute limit, they can rise to speak on the following day under Senators' Statements and use their time for that purpose.

I would like to be advised if I am wrong in my interpretation.

The Hon. the Speaker: No, Senators' Statements are a standard part of our Routine Proceedings, and my understanding is the same as the understanding of the Honourable Senator Prud'homme. We have often seen it to be the case, which is that tributes are often paid under that proceeding.

Hon. Anne C. Cools: Honourable senators, I have been listening for a minute or so and I am a little curious because this chamber now seems to abound in rules. When I first came here, the Senate had something like 80 rules, and now it seems that every day we are creating more. We are creating them at such a bountiful rate that we are now at a stage where no senator knows the rules. It is quite an interesting phenomenon.

In particular, my concern is the following: Am I to understand that we are now creating two classes of senators, those on the list and those not on the list? In other words, is it the listed and the "list-less"? If we are, I would like to know the nature of the relationship between the senators on the list and those not on the list — the list-less? Further, I would like to know what the relationship is between the two, the nature of the speaking order of those on the list and those not on the list — the list-less — and how the precedence or order of speaking is determined?

The Hon. the Speaker: The best answer I can give, Senator Cools, is that it is similar to Senators' Statements, where there is a specific time allotted, 15 minutes, and a three-minute time limit.

• (1420)

The best answer I can give to the senator's general question, is that it is a direct analogy to that process in terms of the way in which we would proceed. I refer you again to my comments on the assistance I sometimes receive through the Table from senators who have phoned the clerk's office to indicate a desire to speak or ask a question. Together with senators rising when an item is called, that is the information that whomever is in the Chair at that particular time must use to determine an order of speaking and to call the senators in that order.

Senator Cools: Honourable senators, I should like to offer a suggestion which is consistent with the tradition of the Senate and the senators' management of this chamber. I encourage senators to discourage the use of such lists so that we can employ the ancient technique of indicating that we wish to speak by simply rising. There is much to be said for the rough and tumble of debate and the general amount of noise and fuss that a good debate generates.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of our former colleague, the Honourable Léonce Mercier.

He is here with the group known as Amis de Charles, from the Magog-Orford area. This is a group of professional men and women actively involved in volunteer work.

I also want to draw to your attention the presence in our gallery of Monsignor Tardy, who is accompanying this group. Welcome.

[English]

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Lorna Milne moved the third reading of Bill S-13, to amend the Statistics Act.

She said: Honourable senators, it is with great pride that I rise this afternoon for what may be the last speech I will make in this chamber on the issue of the historic census.

This campaign has come a long way since it began five or six years ago. The Standing Senate Committee on Social Affairs, Science and Technology has recommended that this bill be passed without amendment. I urge honourable senators to do exactly that and without delay.

There is no doubt whatsoever that this has been a most difficult time for everyone involved. It has also become far more complex than I could possibly have imagined. The numbers tell that story.

The issue has survived the terms of office of three cabinet ministers, two privacy commissioners, an expert panel, cross-country town hall meetings, a handful of polls, 60,000 petitions to both Houses of Parliament, two motions in the other place, an inquiry in the Senate, two references to the Standing Senate Committee on Social Affairs, Science and Technology, two national archivists, an unbelievable seven different bills, my own two private members' bills introduced here in the Senate, two in the other place by the member for Dufferin—Peel—Wellington—Grey and another two by the member for Ottawa Centre.

We now have before us, at third reading, Bill S-13, which is a government bill. It seems as if the only things that have remained constant in this whole debate are the Chief Statistician, Dr. Ivan

Fellegi, and myself. We seem to be the proverbial yin and yang of this debate, although Senator Murray would probably say that listening to Dr. Fellegi and me has been more like watching the Hatfields and the McCoys.

In the 21st century, though, freedom of information and the right to privacy act much more like a yin and yang in Canadian public policy. Each of them is appropriate in certain amounts, and no democracy can function properly if one consistently trumps the other. Neither Big Brother watching over us nor the impenetrable shrouds of secrecy are appropriate in Canada these days. Information and privacy issues are all about balance. In the end, I believe that is exactly what Bill S-13 provides.

I will not be shy about the fact that Bill S-13 gives a major victory to genealogists and historians, for they have earned it. The bottom line is that those who have fought for eventual free access to historic census information have won their battle. The government has fundamentally shifted position from forbidding access forever to enabling broad access to the records. For that reason alone, this bill should be passed.

However, for those who have serious privacy concerns, there are strict limits on the ways in which the records can be used. For example, for the first 20 years after the census records are opened, people may see the records, may access the records, but may only publish "tombstone" information, which includes name, age, relationship to the head of the household and national origin. The exact list of tombstone information will be determined by a regulation.

Furthermore, historians or other researchers will only be allowed to have access to the records if a community leader, academic dean or a person of that stature reviews the research proposal and can vouch for the fact that the research will be beneficial to the community.

Another key component of this bill is that 92 years after each census is taken, control of the records will be transferred to the National Archives. The National Archivist is our country's historian. There is no doubt that, under his careful watch, these records will be preserved and protected for the use of Canadians for generations to come.

The other key thing that this bill does is that it sets out a scheme to deal with future censuses. All future census forms will ask Canadians if they will allow their information to be stored in the National Archives and released after 92 years. The handling of all future census information will be governed by prior informed consent. Where there is no consent, the information will not be released.

I will not stand here in the Senate and tell honourable senators that I have the right to force Senator Murray to release his information to the public 92 years after the 2006 census. That is not my right — it is his right to decide how information about him will be released in the future. Even though Senator Murray is out of the chamber for a few minutes, I dearly hope that Senator Murray will release his information to the National Archives. It would be a great loss to our country's history if future generations could not find a proper record of one of Canada's most notable senators.

I would be remiss, honourable senators, if I did not convey to you some of the tone and discussion that took place at the committee stage of this bill.

I began this speech by talking about the yin and the yang of the debate. Those senators who know their parables know that the yin and the yang must co-exist in order to create balance in life. I can tell senators that balance was the key word in the debate in the committee. Although most witnesses who appeared before the committee came down firmly on one side or the other side of the issue, the Chief Statistician and the National Archivist being notable examples, the vast majority of senators on the committee spoke of nothing but balance. Senator Murray, in particular, noted that this bill was a delicately framed balance that should not be disturbed. The government agrees wholeheartedly with that view. In fact, the committee chose not to pass amendments to the bill because it would simply not entertain upsetting that balance.

Now, even though all the witnesses knew, going into the hearings, that this bill was constructed to balance all the various interests, that did not mean that they did not try to upset the apple cart. Privacy Commissioner George Radwanski was particularly cutting in his remarks on the bill. He wanted nothing to do with it. He is still of the firm belief that the government made an unambiguous promise to Canadians that their census information would never be released. He still thinks that to pass this bill would be to forever destroy Canadians' faith in the privacy laws that are designed to protect them.

• (1430)

Senator Kinsella: He is right.

Senator Milne: Interestingly, the Information Commissioner did not want anything to do with this bill either. In the Deputy Information Commissioner's presentation to the committee and in a subsequent letter from the Information Commissioner himself, that office argued that to pass this bill would be a great step backward for those who want openness in government. The Information Commissioner believes that under current legislation the courts will, in the long run, force the government to release all historic census information 92 years after the anniversary of the census — with no restrictions. The Information Commissioner wants this bill defeated so that he can take the fight to the courts where he is convinced that he will win.

I believe, though, that an important social issue such as this should not be left to Canada's courts. It is clearly Parliament's responsibility to find an effective balance to the competing interests. I believe that this bill is an appropriate and realistic compromise. I also believe that although they may be a little disappointed with some of the details, the vast majority of genealogists and historians also think that this is an appropriate, workable and realistic compromise.

The remainder of genealogists can be fairly divided into two groups. One group believes it should not compromise on any issue and should fight to the bitter end because its side is right. This group is of the opinion that access to government files is a key right in a democracy and that any fettering of that right should not be tolerated. This group is not willing to settle for anything less than complete access to all censuses 92 years after the date of the census.

The government firmly rejects that approach. It is not appropriate to trample on Canadians' privacy rights. Indeed, a balance must be struck.

Finally, there is a group of genealogists that is perfectly willing to compromise but cannot, in good conscience, support this compromise because this group thinks it goes too far. A large part of the executive of the Canada Census Committee, including co-chairs Muriel Davidson and Gordon Watts, hold this view. They have provided me with many of the petitions that I have presented in this place. At the very least, I owe it to them to tell honourable senators where their line in the sand is.

First, in January 2003, the government released the 1906 census for unrestricted research and publication. The 1911 and 1916 censuses were taken under the exact same legal regime as the 1906 census. As a result, the Canada Census Committee believes that the bill should be amended to allow the 1911 and 1916 censuses to be released without restrictions, as was the 1906 census.

Second, as the bill is currently drafted, on all future census forms, Canadians will be asked to give permission to allow their forms to be stored in the National Archives and released after 92 years. This is the "prior informed consent" provision.

The Canada Census Committee is concerned that all those people who do not answer the question one way or another, who just simply leave the box blank, will be forever forgotten in Canadian history. They ask that the section be rewritten to ensure that the forms for all Canadians will be stored in the National Archives, unless they fill in the box indicating that they want to be excluded.

Honourable senators, all of that being said, I believe that this is a very good bill. It is a fair compromise. We could probably debate this forever and never have unanimity on the subject. The issue simply does not lend itself to that kind of a result.

The bottom line is that this is a good bill and should be passed. I believe that it is necessary for it to pass in order to allow Canadians guaranteed access to their history.

Hon. Gerald J. Comeau: Honourable senators, I have a question for Senator Milne. Did I understand correctly that, if one checks the box, he or she is not giving permission for these documents to be released, the documents are sealed forever?

Senator Milne: That is correct.

Senator Comeau: I have been filling out census forms for a number of years. With all of the censuses that I have completed to date, there was an undertaking that the information that I was providing was confidential. It was my own. I was providing information to the government to help it plan government programs, for statistical purposes and so on.

All of the censuses that I have up until now signed in privacy with my government will now be accessible to anyone who wishes to see them after 92 years have elapsed. The promise or the undertaking that was made between myself and my federal government will be broken 92 years after the undertaking was taken; is that correct?

Senator Milne: That is only for tombstone information, which includes your name, address, whatever national background you wish to assign to yourself — I call myself Canadian — and the members of your family. That will happen after 92 years. After a further 20 years beyond that time, all of that information will become open.

Senator Comeau: Therefore, all of the information asked for on what is called the “long form,” which asks confidential questions — and I do not know if the honourable senator has had a chance to look at it — will be made public in spite of the fact that an undertaking was given to these people that this information would not be divulged. That is my understanding.

Does this not also make it possible that information, once provided to government, becomes open after a certain number of years? What happens to the information requested when we apply for long gun registry cards, information even more personal than that contained on the census forms? If we take the tack that these files are what are referred to as government files, they no longer contain private information. They become government files. Is this the kind of information that after a certain number of years will be made public under the Access to Information Act?

I invite the honourable senator to look at some of the information on the long gun application forms to ensure that she understands the implications of the legislation we are being asked to pass in this house.

Senator Milne: Honourable senators, I would inform Senator Comeau that I have seen those forms. Very sensitive questions are asked on them. They come under a completely different section of the government. They do not fall under Statistics Canada whatsoever. Historically, they have never been nor I assume will they ever be transferred to the archives of Canada.

The census of Canada has always been transferred after 92 years and opened to the public after 92 years. This bill simply continues the tradition, which is a tradition in every single country in the Western world.

Senator Comeau: Honourable senators, I believe I used the same words that the honourable senator used and that were used by the people who signed those petitions. I have no qualms about people signing petitions to petition government to do things that they feel are important. I do not begrudge people doing that at all. However, these were viewed as government files. Once information is requested by these individuals, it becomes a government file. If we are authorizing, through this bill, the release of information that the government had undertaken on the census form to keep private and confidential, then are we not setting a precedent? In the case of long gun information, is it not the very same thing whereby this information becomes, at the drop of a hat, through a piece of legislation, available to the public? It may not be 92 years; it might only be 10 years. I am just alerting senators to the fact that we are stepping into an area where legislative provisions and undertakings of privacy and confidentiality are taking a direct hit. I am sure even the honourable senator would agree. If that kind of information becomes part of government files, what is to stop us from

mounting another campaign next week to have these other government files made public?

• (1440)

Senator Milne: I would inform Honourable Senator Comeau that, presently, under the Access to Information Act, all government files are public after 25 years. Whether that will apply to the handgun registration, I do not know. However, I know that all government files are presently open to the public after 25 years, and I personally believe that they should be.

Senator Comeau: Does that mean that the income tax return that I filed 25 years ago is now available to the public?

Senator Milne: I should correct myself to say that income tax information is not available.

Senator Comeau: We must be very careful in how we proceed with these kinds of items. I invite the honourable senator to again look at the gun registry application forms. Applicants are asked all kinds of information. The honourable senator is saying that these forms are available after a few years to the general public and could be published everywhere. I am sure people will start putting in information that will not be of any use to government if this is the kind of approach that government uses with very private, confidential information. Let us be careful where we go with this.

Senator Milne: If that was in the order of a question, I can perhaps respond by saying, “Ninety-two years in the future.”

Senator Comeau: I do not think we should be flippant about it. I do not think we should say that a person's privacy diminishes the longer the person is dead. I think we owe it to our predecessors and our ancestors not to do that. If they felt that something was their own or was private, I do not think we should erode their privacy the longer they are dead. I do not think the fact that someone dies takes away the privilege of their own confidential and private information. We should be respectful of their privacy even after they have passed away.

Senator Milne: I quite agree with the honourable senator, and I was not intending to be flippant.

I believe the present Privacy Act legislates that 25 years after a person's death, their private papers can be made public. I would also point out that as soon as a person dies and their will is probated, their will, which is probably the most private thing that a person has, is automatically made public, and must be made public.

Hon. John Lynch-Staunton (Leader of the Opposition): The Honourable Senator Milne is mixing apples and oranges.

Senator Milne: I followed Senator Comeau's lead.

Senator Lynch-Staunton: When you prepare your will, you know, depending on what jurisdiction you live in, that it could be made public. You know that ahead of time. My objection to this bill is the following: No matter how basic the information to be made public, no matter the strict qualifications to those entitled to that information, it violates a pledge that is made on every census form. I will read it to colleagues. This is on the long form, and it applies to the short form: "The law protects what you tell us. The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right." This was on the 2003 census form.

This bill violates a pledge made by the Government of Canada. I do not care whether it is just a name, an address, a city or a telephone number that is available elsewhere. I do not care whether it is in 92 years, and I do not care whether it is limited to people who are academics. I see this as the thin edge of the wedge. That is why I am opposed to this bill. It violates a pledge made to every Canadian who filled out this form. Does the honourable senator agree?

Senator Milne: I would repeat that this same sort of pledge is made on the census forms of the United States, Great Britain, France and Germany, and every single one of them eventually releases the census information to the public.

Senator Lynch-Staunton: What is the point?

Senator Oliver: That does not make it right.

On motion of Senator Kinsella, for Senator Murray, debate adjourned.

CODE OF CONDUCT AND ETHICS GUIDELINES

EIGHTH REPORT OF RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled: *Government Ethics Initiative*, deposited with the Clerk of the Senate on April 10, 2003.

Hon. Lorna Milne: Honourable senators, I rise on this occasion to lead this chamber's discussion on the interim report of the Standing Committee on Rules, Procedures and the Rights of Parliament on the government's ethics package.

Since we returned from the Christmas break, your committee has spent many long hours looking at the best way to construct a new ethics regime for the Senate. We have heard from many witnesses, and I believe it is worth mentioning them. From the academic community, we heard from David Smith from the University of Saskatchewan, Saskatoon; Dale Gibson, University of Alberta; Maureen Mancuso, University of Guelph; and Peter Mercer, University of Western Ontario. We heard from the Right Honourable Herb Gray and the former Honourable Senator John Stewart who gave us their perspectives as former parliamentarians. We heard from Lord Williams of Mostyn and

Brendan Keith, who is the Clerk of the House of Lords registry in Great Britain. They talked to the committee about the British experience. We also tapped into the experience of the current federal ethics commissioner, Howard Wilson, and two of his provincial counterparts, Robert Clark from Alberta and Ted Hughes from the Northwest Territories.

This report, tabled with the Clerk on April 10, goes into great detail on the role and function of an ethics commissioner. I will get into the specifics of our recommendations shortly but, as an aside, I wish to bring two matters to the attention of all honourable senators. First, we have appended all of the present rules that apply to the Senate, to the report. However, your committee has not yet looked into the actual rules that should make up a code of conduct. This report does not deal with specific issues such as spousal disclosure of assets, gifts to senators, or travel that is paid for by third parties. All of those issues will be dealt with in a second round of work on this proposed bill. Second, and much more important, your committee has not taken a stand on whether the position of ethics commissioner should be created by statute or through the Rules of the Senate. I will have more to say on that topic later.

Your committee has agreed on ten important points, eight of which are recommendations to the government concerning the creation of the position of ethics commissioner. I will deal with each one of those eight in turn and provide short comments. Honourable senators should know that your committee agonized over these recommendations, and they have been edited right down to the last letter. They reflect the genuine consensus of the committee.

• (1450)

When it comes to the creation of the position of ethics officer, there is only one issue that your committee has not yet decided on. It is my sincere hope that when the government proceeds with this initiative, these eight features that we agree on will be reflected in the proposals — if not to the letter, certainly to the spirit.

First: "Each of the Senate, the House of Commons and the Executive should have its own ethics officer." One of the key themes that ran throughout your committee's work was the need to recognize that the Senate is a constitutionally independent institution in Parliament, with a distinct purpose and culture. The mere fact that senators are appointed rather than elected demands that ethical rules be framed from a different perspective. Your committee strongly believes that one ethics officer with divided responsibilities and divided loyalties could not properly serve this institution. The only way to ensure that the ethics regime could properly reflect reality in the Senate would be to have our own ethics officer.

Second: "The duties and functions of the Senate ethics officer shall be defined in the *Rules of the Senate* and shall be carried out within the constitutional powers, duties, rights and obligations of the Senate." In addition to being a separate and distinct House of Parliament, the Senate must also be an independent institution. Moreover, it is your committee's strongly held belief that parliamentary privilege demands that senators have the right to discipline themselves without interference from the courts, the House of Commons or the executive.

There is no doubt that the rules governing the conduct of senators in the day-to-day activities of any ethics officer must be contained in the *Rules of the Senate* and not in statute. As I will note later, your committee is still deeply divided on how the position itself should be created.

Third: "A Senate ethics officer shall be appointed after agreement of the leadership of the recognized parties in the Senate, followed by a confirming vote in the Senate." The committee heard from provincial ethics commissioners who had one very clear message for us: The regime we have will only be as strong as the trust that senators have in the ethics officer. If it is not possible for all senators to feel that they can be open and honest with the ethics officer, the regime will collapse into irrelevance. By institutionalizing input from both sides of the aisle in the appointment of the ethics commissioner, the government can go a long way to ensuring that the person who holds the position will have the trust required to carry out this very sensitive job.

Fourth: "A Senate ethics officer shall serve for a term of seven years." One of the strengths of the Senate is its institutional memory. Indeed, the Senate was created because the founders of our country believed that Canada would benefit from the contribution of those who have extensive experience to draw upon. Your committee did not think that the five years propose in the legislation was long enough for a person to build the expertise that characterizes this chamber of Parliament. On a personal note, I know that it took me several years before I felt that I had my sea legs around here, and I am not sure that I have them yet.

As such, your committee has recommended that the term be extended to seven years. I point out, however, that we have not yet tackled the question of whether the term should be renewable.

Fifth: "A Senate legal officer shall have legal expertise." The general consensus among the members of your committee is that the best person to fulfill the role of ethics commissioner would be a retired judge, but that does not mean that your committee would recommend that only retired judges would be considered. However, it would be fair to say that we all had pictured in our mind's eye that kind of a person. There is indeed no question that there will be a significant legal component to the role of an ethics commissioner as he or she would be required to evaluate the conduct of a senator against a set of rules that will include conflict of interest rules. Your committee feels that it would be best to ensure that an ethics commissioner have some legal experience.

Sixth: "The rules of conduct, including those currently in place, shall be incorporated into the *Rules of the Senate* following a detailed study." This recommendation is closely related to the second recommendation but has a slightly different emphasis. Already, there are extensive rules that govern the conduct of senators. Your committee believes it would be beneficial for those rules to be brought together in one coherent place. This is the easiest way to ensure that all ethical issues are addressed efficiently, without overlaps or gaps, and in a manner that is logical. For reasons that I outlined earlier, the best place for this coherent package to go to, is into the *Rules of the Senate*, to ensure the independence of the Senate as an institution.

Seventh: "The Senate ethics officer may advise senators on their obligations and rights under the Rules of Conduct." Ted Hughes, the current ethics commissioner for Yukon, noted that his position was 10 per cent policeman and 90 per cent priest. The

fact of the matter is that this regime will work best if it is used as a tool to properly organize the affairs of senators so that potential conflicts may be avoided before they arise.

Your committee also heard that even though the Prime Minister's current ethics commissioner, Howard Wilson, does not have any responsibility for senators, many honourable senators do consult him for advice on how to effectively organize their affairs. An ethics commissioner must have the freedom to consult and offer advice in a purely confidential manner, of course, if this regime is to work properly.

Eighth: "The Senate ethics officer shall report and make recommendations to the Senate, or to a committee thereof, as set out in the *Rules of the Senate*, but any final decision shall rest with the Senate." I repeat, "but any final decision shall rest with the Senate."

Honourable senators, your committee wants to make it clear, in no uncertain terms, that we do not believe that the courts should have any role whatsoever, either in interfering in the administration of or the ultimate decisions made under any ethics regime. These issues must not be justiciable. In his testimony before our committee, Peter Mercer from the University of Western Ontario indicated that certain steps should be taken in order to prevent these issues from ending up in the courts. His key recommendation in this regard was to structure the position of ethics officer to make it clear that it is only advisory, and that all final decisions must rest with the Senate. Your committee unanimously agrees that the position must have no decision-making power and be wholly subservient to the will of the Senate chamber.

Those, honourable senators, are the recommendations that we have for the government. Those are the areas in which I can say that there is substantial agreement within the committee. I must now move, however, to the one area where there is significant disagreement within the committee.

To legislate or not to legislate? That is the question. Should the ethics officer be created within the rules of the Senate, or do modern political realities demand that we proceed by statute? Frankly, the committee was split on this subject.

As I noted before, all senators on your committee firmly believe that the courts must be kept out of this system to the extent that that is possible. As an independent branch of government and of Parliament, we ourselves must be the ones to determine whether the conduct of senators is appropriate. If the position is created through legislation, there is no doubt that the risk of judicial scrutiny is somewhat increased.

Furthermore, to the extent that the number of elements of the regime that are contained in statute are increased, the risk of judicial interference also increases.

• (1500)

Some senators on your committee believe that any risk at all of judicial interference is too great and that we must protect parliamentary privilege at all cost. They assert that it is the duty of senators to protect our privileges. Others on the committee take a very different view. Some senators argue that a statute-based system would offer the Canadian public the strong, independent and transparent system that they deserve.

There was a sense within the committee that various parliamentary officers that are created by statute, such as the Auditor General and the Information Commissioner, are seen by the public to be independent. It was argued that if the position of ethics officer was created by the Senate rules, or within the Senate rules, the public would see that as an attempt to keep the investigation of all ethical matters within what I have heard described as the "old boys' club" of the Senate. These senators have noted that the public is watching our actions closely.

In her testimony, Ms. Maureen Mancuso from the University of Guelph noted that "fully two out of every five Canadians have no confidence at all in the Senate as an institution," and that 61 per cent of Canadians believe that the best way to reduce corruption in government would be "to create an independent ethics commissioner to investigate the public's complaints." Some senators believe that an ethics officer created within the rules could not address these very real public perceptions.

As I noted from the outset, this report is the product of extensive work by your committee. Each word of this report was carefully hammered out and represents a consensus of the committee, even though it is not a final report. We spent almost 12 hours drafting it — eight hours in one day, in fact — just to finalize the 10 points, eight of which I have been speaking on today, that honourable senators will find at the beginning of the report. We also heard from all of the witnesses that I listed at the start of my remarks.

I believe this is a good report, and your committee put an incredible amount of time and effort into crafting it. Honourable senators, I am proud to place this report before you for your consideration. You can rest assured that the committee will continue to look at many issues on this important topic. It is my hope that the government will listen carefully to everything we have said. I also hope that all senators will work together to build a new ethics regime that will provide us all with expert, independent advice when needed and that it will reflect the unique nature of this chamber while living up to the increasingly high expectations of the Canadian public.

Hon. Senators: Hear, hear!

Hon. Colin Kenny: Honourable senators, I wish to ask a question of the Honourable Senator Milne.

The Hon. the Speaker: I regret to advise honourable senators that Senator Milne's time has expired.

Senator Milne: Honourable senators, I am quite willing to answer questions. I ask for leave of this chamber to extend the time to do so.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Kenny: Honourable senators, did the committee have a chance to consider the testimony from Mr. Mark Audcent, the Senate Law Clerk, in relation to sections 119 to 123 of the Criminal Code that dealt with the anomaly in English and French between "fonctionnaire" and "official" and how senators are currently captured by the definition of "official" in light of, ultimately, Mr. Justice Dickson's ruling in the Giguère case, and how that creates, if you will, an absurdity, where senators are

caught where they do not have the protection afforded to public servants in an earlier section of the Criminal Code? It also includes senators in a way that they may find themselves inadvertently picked up. I did not hear the honourable senator comment on it. Did the honourable senator, or the committee, consider it and then discard this testimony, or did you intend to review it and address it further?

Senator Milne: I thank Senator Kenny for his question.

Honourable senators, that is one of the things that we did discuss at some length. We felt that we were in the preliminary stages of this study, responding just to the creation of the position of ethics commissioner, and have not had the time to go further than that. However, we appended to our report all the provisions that currently apply to us, including those provisions of the Criminal Code. This idea of defining a member of Parliament or a senator as a "fonctionnaire," as the honourable senator has rightly pointed out, is an anomaly. It is something that we will have to look at carefully when legislation comes forward, to ensure it is corrected.

Senator Kenny: Honourable senators, it seems to me that if you are proceeding down the road that you appear to be going down in this report, and if the committee is proceeding along the lines that you are suggesting, and if the report is adopted, we would be missing a leg on the stool if we are not looking carefully at the acts that have been passed.

It seems to me that the committee is looking at a Senate rules-based system that does not require legislation, but which would be compatible with, and function with, existing pieces of legislation. Therefore, if the committee is proceeding on those lines, it seems pertinent to make sure that those pieces of legislation work in an effective and coherent way.

Senator Milne: The Honourable Senator Kenny is quite right. I thank him for the suggestion.

On motion of Senator Robichaud, for Senator Carstairs, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean Lapointe moved the second reading of Bill S-18, An Act to amend the Criminal Code (lotteries).

He said: Honourable senators, it is with great humility that I rise to speak today about Bill S-18. After considerable reflection, many meetings and a number of months of studying this matter with my staff, we have reached the conclusion that video lottery terminals located in the bars and restaurants of eight provinces of this country represent a serious problem.

They should be taken out of these establishments and relocated to casinos, race tracks and similar locations, all of which are managed solely by the provincial governments.

By amending the Criminal Code in this way, we will succeed in limiting this scourge, which too often is the cause of innumerable problems for our fellow citizens. We became more aware of the problem by reading numerous studies by university researchers throughout Canada as well as by provincial governments, private institutions and social workers.

According to the organizations that help compulsive gamblers, video lotteries are the gaming form that creates the highest level of dependency, by a very wide margin.

• (1510)

In its 1999-2000 annual report, *Jeu: aide et référence du Jeu pathologique du Québec*, a telephone help line for gambling and gaming addiction, wrote the following:

Video lottery terminals were mentioned 83 per cent of the time by distressed callers.

Laval University psychologist Robert Ladouceur, one of the top researchers in compulsive gambling, says the following in his lectures on video lotteries:

...video lotteries are reported as the game of choice by 95 per cent of those he treats for gambling addictions.

La Maison Claude Bilodeau, which has been in operation since the fall of 1999, providing services to compulsive gamblers, reported that, since its opening:

...94 per cent of requests for assistance for problems related to compulsive gambling resulted from the use of video lottery terminals.

[English]

The gambling report written by Harold Wynne of the Canadian Centre on Substance Abuse says that 78 per cent of the people with problems play video lottery terminals.

[Translation]

A recent study on treatment for pathological gambling conducted by the Maison Jean Lapointe shows that:

The favourite game of participants who have started therapy is video lottery 83 times out of 100.

The Institut national de santé publique du Québec estimates that 9 per cent of video lottery users develop a dependency and, in all the research documentation consulted, video lottery unanimously and very predominantly represented the main source of problems for gamblers seeking help, in between 80 per cent and 90 per cent of cases.

[English]

A study published in the *Canadian Journal of Psychiatry* says that most problem gamblers are hooked on VLTs, which they use daily or several times a week. They stick close to home, using machines in a neighbourhood bar. Dr. David Hodgins from the University of Calgary said in a presentation made before the

Institute Advisory Committee for the Institute of Neurosciences Mental Health and Addiction that there are 3 per cent problem gamblers and 2 per cent pathological gamblers in Alberta, and that 86 per cent of people seeking treatment in Alberta are VLT players.

A study entitled "The Prevalence of Problem Gambling in Prince Edward Island" was released in October of 1999. The report stated that for all but one of the 71 pathological gamblers admitted to the program, VLTs were the primary problem and had caused, by far, the most problems in their lives.

[Translation]

One major problem is accessibility. Whether in large urban centres or in small towns, hardly no major street or avenue is without these destructive little devices. Another equally serious problem is visibility. Young people who go to bars to have fun with their friends are attracted to video lottery terminals and, if the Nintendo generation is any indication, they will inevitably give in to the attraction. I am very pessimistic about the impact of video lottery on these young people in future.

[English]

Gambling researchers say they are more fearful for the future of adolescents than adults. Children today are the first generation to grow up in a world where gambling is not seen as a danger; where, in fact, their churches, service organizations and governments are giving their blessings to gambling as a way of raising money. It is legal, it is accepted, and children today have never known a time when it was not part of society.

The concern has already been justified by results from many research studies, such as the one in Windsor and those in Quebec by noted researchers Jeffery Derevensky and Rina Gupta of McGill University, and Harold Wynne of Wynne Resources in British Columbia. According to the work done by Gupta, Derevensky and Wynne, gambling rates among youth appear to be rising, with between 4 per cent and 18 per cent of adolescents developing a serious gambling problem.

[Translation]

The August 2000 report of the Régie des alcools, des courses et des jeux du Québec shows that in 1996, in the Quebec City area, 7.4 per cent of young people under the age of 18 had gambling problems; 34 per cent of those who took part in the study reported having already used video lottery terminals, which means that they gambled while underage.

[English]

In its position paper on Manitoba's gaming policy, the Manitoba Association of Social Workers reported that of the five age categories, the youngest, ages 18 to 24, had the highest percentage — 66 per cent — who have played VLTs within the past year. Their studies indicate that young people are highly susceptible to gambling devices such as VLTs.

[Senator Lapointe]

[Translation]

Pathological gambling has considerable social and financial impact on individuals, the family and society in general. So many hardships, broken homes, suicides and crimes can be traced back to VLT addicts.

I ask the honourable senators: why do we find most of these destructive machines in our most disadvantaged neighbourhoods? These problems are a heavy burden for the health care system and the courts, and very costly for taxpayers. I shall take the liberty of listing some of the most frequent problems related to compulsive gambling, which, actually, is frequently caused by these VLTs.

On the individual level, gambling often creates debt, and that can even lead to bankruptcy. This affects the health of the individual and causes stress, depression and often suicide.

According to Sol Boxenbaum, CEO of Viva Consulting Family Life Inc., which treats a number of gambling-related problems:

Pathological gambling has the highest attempted suicide rate of all addictions. Since the coroner started compiling data, there have been 109 gambling related suicides in Quebec, at least 49 in the past three years. These deaths are definitive only because a suicide note was left, or because the victim's family reported that gambling was the problem. How many other victims did not leave a note, and because pathological gambling is such a hidden addiction, the family was not aware of the problem? How many suicides appear to be accidental death? Some despondent gamblers do not want to burden their families with the knowledge that they had taken their own life, and yet others want their family to be able to collect benefits from life insurance policies.

[English]

Dr. Garry Smith, Dr. Harold Wynne and Dr. Tim Hartnagel, in their March 2003 study, "Examining Police Records to Assess Gambling Impacts: A Study of Gambling-Related Crime in the City of Edmonton" said:

In terms of human and social costs, gambling addiction was a factor in four suicides and one suicide attempt in Edmonton in the 20-month period under study. Again, we emphasize that these numbers may understate the problem because in most cases there is no suicide note or even speculation as to why the people took their lives.

[Translation]

When it comes to families, the adverse effects of gambling can cause a lack of money to meet children's primary needs. This leads us to conclude that the entire family suffers from the adverse consequences of gambling.

• (1410)

[English]

In its resolutions of 1999 with regard to video lottery terminals, the Canadian Public Health Association stated that research has shown that the spouses of problem gamblers report a higher than

normal number of suicide attempts, nervous breakdowns and substance abuse, and that the children of problem gamblers have behavioural or adjustment problems related to school, drug abuse, alcohol abuse, running away and arrest.

[Translation]

At work, the repercussions of compulsive gambling translate into lost productivity and absenteeism.

In terms of crime, compulsive gamblers under duress may even flirt with crime. It has been reported that they resort to theft and fraud to finance their gambling habit.

[English]

In their March 2003 study, Drs. Smith, Wynne and Hartnagel said:

Fast-paced, continuous video gambling format such as VLTs and slot machines are most closely associated with problem gambling; therefore, by extension, the crimes commonly associated with problem gambling (fraud, domestic violence, theft and suicide) are linked to the gambling formats with the highest addictive potency.

[Translation]

For those who believe that eliminating video lottery terminals from bars, taverns and restaurants would leave the door open to a number of illegal organizations, let me tell you that the legalization of video lottery terminals in no way eliminated the abuses perpetrated by usurious lenders and pawnbrokers, to the great detriment of compulsive gamblers.

From a different perspective now, gambling has become something of an illusory cash cow for most provinces. If we use the figures given by Professor Neil Tudiver of the University of Manitoba, a compulsive gambler costs society \$56,000 per year. If we use the example of Quebec, two percent of the population has a gambling problem, according to loto-Québec. These figures are a conservative estimate, because they do not take into account data provided by those who provide support for compulsive gamblers. That would mean 140,000 Quebecers are compulsive gamblers and 89 percent of them have a problem with video lottery terminals. Honourable senators, I invite you to do the quick math and I will let you judge the results.

By passing Bill S-18, the Government of Canada will help those provinces which run a deficit with their video lotteries instead of making profits, as some provincial representatives would have us believe. Contrary to what some may think, I have a great deal of sympathy for the operators of restaurants, bars and taverns with video lottery terminals on site. I strongly suggest that the savings from the elimination of video lottery be reinvested in these outfits, so as to make up for their lost revenue.

Gambling is pervasive in our society. Pathological gambling is on the rise in Canada, and the figures are frightening. Not unlike environmental problems, it knows no boundaries. From coast to coast, our provincial populations face a problem of such magnitude that the federal government must take its responsibilities and put a stop to it, as it affects too many Canadian families.

I sincerely believe that restricting accessibility and visibility of video lottery terminals can have a positive effect on our society. That is why, honourable senators, I am asking you to pass Bill S-18 swiftly, to save the largest possible number of human lives and deal with the hardship that not only compulsive gamblers, but also all those around them, endure.

Eliminating video lottery terminals everywhere except in casinos, at race tracks and in similar locations across the country, will result in improved quality of life for our fellow citizens, young people and seniors in particular.

[English]

Hon. Tommy Banks: Would the honourable senator accept a question?

Senator Lapointe: With pleasure.

Senator Banks: Honourable senators, I agree avidly with everything that Honourable Senator Lapointe has said, and I support the purpose of this bill. The pervasiveness of video lottery terminals is a scourge; there is no doubt about that. However, as you have said, VLT income is also a cash cow for provinces. I have not researched this but I believe that the provinces issue licences for the placement of VLTs. Do you have any information about the likely reaction of provinces to what some might regard as an incursion, if this bill were to become part of the Criminal Code?

[Translation]

Senator Lapointe: Honourable senators, I thank Senator Banks for his question. Some provinces will react negatively because this is their jurisdiction. What we are proposing is not within provincial jurisdiction, since we are talking about amendments to the Criminal Code. I really do not care whether the provinces agree or not. I am trying to help Canadians as a whole. The approach I am presenting here today, in case it is not clear, has the approval of 70 per cent of Canadians, according to a centre for research. So the provinces will not oppose the will of 70 per cent of their constituents. These constituents vote when the members run in an election. Those who vote against this bill, while lotteries are destroying our seniors and our young people, are involved with the people running these machines, have no heart or do not take the interests of this country to heart.

[English]

Hon. Herbert O. Sparrow: Honourable senators, perhaps the Honourable Senator Lapointe would tolerate another question and, if I might, a comment prior to that question because I may not have understood exactly what he said in his speech.

I understand — and you can correct me if I am wrong — that gambling in this country is a federal government responsibility. It is covered by the Criminal Code. Some years ago, the federal

government made an agreement with the provinces that they would allow the provinces to control gambling, but that permission can be returned to the federal government at any time.

Does the federal government, under the Criminal Code, have complete authority, should it wish to use it, over gambling in the provinces? In addition, are you aware that Statistics Canada just released a report about gambling in Canada? It shows that in the last fiscal year, the provinces collected \$6 billion from gambling. That figure of \$6 billion is profit. The estimate is that the community itself spends over \$18 billion on gambling; those are the losses to them as citizens. That amount is very close to what the GST collects in the nation as a whole.

Please correct these figures if you can. From what Statistics Canada is showing, at least, VLT usage is a terrible blight. Senator Banks said it was a scourge and I think that is a good word. We are primarily taking money from the poor people of this nation. The average household in Canada that makes \$20,000 or less spends an average of \$357 on gambling in a season. Now, those figures are pretty damning for us as a nation. Should we allow that to be happening?

My next question would be whether you would suggest that the Senate should study gambling in this country in the very near future?

[Translation]

Senator Lapointe: Honourable senators, you know how much I admire Senator Sparrow. If he did not fully understand my speech, I suggest that he use the headphones for interpretation, as I did in order to understand his question. I know that he has a very enlightened sense of humour, so we are two of a kind in that sense.

• (1530)

I thank Senator Sparrow for his question. The figures he presented are correct overall. Two per cent of Quebec's population is addicted to gambling, and it has been established that each of these gamblers costs taxpayers \$56,000 per year, for treatment, absenteeism and social costs. Two per cent of the population, or some 140,000 Quebecers, at \$56,000 each, represents a cost of \$7.8 billion. Just in Quebec. Quebec has lottery profits of \$692 million, minus \$7.8 billion for the treatment of compulsive gamblers, so there is actually a \$7.1 billion loss. If Quebec alone is losing \$7.1 billion, I wonder what the total loss is for Canada.

Hon. Pierre Claude Nolin: Honourable senators, Senator Lapointe is familiar with my interest in social questions, including those where prohibition plays a role in implementing public policy.

Did you, in your research, examine the preventive efforts of various federal, provincial and municipal authorities, and regional public health authorities, where these exist? What preventive efforts are being made to try to contain this problem?

[Senator Lapointe]

Senator Lapointe: Some efforts have been made. I have seen what is being done in Quebec, where they say gaming must remain a game. Russian roulette is also a game.

They soothe their conscience by allocating a tiny portion of their budget to advertising. Really, a very tiny portion. Much more was spent on making the point that lottery officials seemed to be having more success preventing pathological gambling than other officials were having preventing marijuana use. Yet you know that if young people want to smoke pot or gamble, nothing is going to stop them.

Senator Nolin: Our committee demonstrated that prohibition was not a good tool in preventing the spread of a phenomenon like cannabis use. You are suggesting in the bill to use prohibition, not so much total prohibition as limiting access to video lotteries. With this prohibition, will the State not be relieving itself of responsibility by saying, "Now that I have changed the Criminal Code, I do not have to think about prevention because my responsibility is fulfilled by introducing this legislation." That is why I asked the question about prevention. You spoke about Loto Québec television advertising. I agree with you, an advertising campaign must not be the sum total of prevention if it is to be effective. It is something far more complicated and detailed than a mere advertising campaign.

I would be interested to know more. If the Criminal Code is amended, will this not weaken the effort made, even if the measure you are asking us to approve were introduced?

Senator Lapointe: I have seen where you were headed right from the start of your question.

It is not a matter of prohibiting the terminals, but of relocating them. The idea is to make them less available. People become addicted because there are video lottery terminals just down the street from where they live.

Let me give an example. A 71 year-old woman, who lives in the same area as the Leader of the Opposition, in Magog, inherited two apartment buildings. They were worth \$300,000.

When her husband died, her sister wanted to get her out of the house, so she took her to play bingo one day. At one point, there was a half-hour break, and the women went down to play the video lottery terminals. This woman never went back to bingo; she thought it was boring. She stayed and played the terminals.

Within five years, she lost both of her apartment blocks. She lost all of the money her husband had left her. Today she is on welfare and when she receives her cheque, she goes and plays the video lottery terminals.

Another example is that of a 74 year-old man who committed suicide after losing his RRSPs. These are two examples I heard of within three months.

• (1540)

They voted to keep video lotteries in New Brunswick a few years ago. I was there last week and I asked people questions. If there were a vote now, it would be soundly defeated.

Good-hearted people will support us in this initiative. I talked to a member of Parliament and we have joined forces to find a solution. He is a good man, and if we keep fighting we will get through the barriers and help people who suffer from this addiction. For those who want to play, there will be no prohibition. We are moving the machines. People will have to take a bus or a taxi. If they have the means to gamble at the casino, they can afford a taxi.

On motion of Senator Robichaud, for Senator LaPierre, debate adjourned.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before moving on, I should like to draw your attention to the presence in our gallery of a number of people: Captain Ulf Snarby from Liverpool, Nova Scotia, recipient of the Atlantic Award for Responsible Fishing, and Mrs. Barbara Snarby; Mr. John Carriere from Cumberland House, Saskatchewan, recipient of the Freshwater Award for Responsible Fishing, and Mrs. Freda Carriere; Mr. Timothy Richards from Heriot Bay, British Columbia, recipient of the Pacific Award for Responsible Fishing, and Mrs. Linda Richards; and Captain Rick Misner from Port Dover, Ontario, Chair of the Canadian Responsible Fisheries Board.

On behalf of all honourable senators, I welcome you all to the Senate of Canada.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, on Wednesdays we try to complete the business of this house as near as possible to 3:30 p.m., in order to allow the committees to meet. I ask that all remaining items on the Order Paper stand in the order in which they are today.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, May 1, 2003, at 1:30 p.m.

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• 37th PARLIAMENT

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OFFICIAL REPORT
(HANSARD)

Thursday, May 1, 2003



THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Thursday, May 1, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THÉRÈSE CASGRAIN VOLUNTEER AWARD 2003

Hon. Lucie Pépin: Honourable senators, last Tuesday, April 29, I had the privilege of presiding over the Thérèse Casgrain Volunteer Awards ceremony for 2003. This award honours the memory of the Honourable Thérèse Casgrain and her accomplishments and is a worthy tribute to our former colleague. Her entire lifetime was devoted to speaking out against social injustice. She worked constantly to have the necessary reforms carried out. Still today, her achievements are a source of inspiration. This year her family was represented at the awards ceremony by her daughter and by her grandsons, Jacques and Charles Nadeau, their spouses and children.

This year's recipients are Margaret MacGee of London, Ontario, and Desmond Dillon of Gander, Newfoundland and Labrador.

I will give a quick overview, if I may, of the contributions of these two Canadians, who are committed to working to enhance the well-being of their fellow citizens. Desmond Dillon, a volunteer for the Canadian Red Cross, has served in a variety of capacities within that organization for more than 35 years. In particular, he was involved in teaching water safety to children and adults, and also made a contribution to disaster preparedness and a broad range of other Red Cross programs. Mr. Dillon has volunteered his time to disaster relief on countless occasions, including the 1997 Manitoba flood, the 1998 Swissair crash off Nova Scotia, and recently, the September 11, 2001 attacks on New York.

In addition to his work with the Canadian Red Cross, Mr. Dillon has an important role on the Health and Community Services Board, which he chairs. Desmond Dillon's efforts and his volunteer work have won him numerous other awards, including the Certificate of Appreciation from the American Red Cross. Furthermore, the first Family Volunteer Award was presented to the Dillon family by the Community Services Council in Gander. This award recognizes the contribution of families that are committed to doing volunteer work together or separately.

The other recipient is Margaret MacGee, of London, Ontario. Mrs. MacGee has also spent more than 35 years helping our society's most vulnerable. Margaret MacGee is best known for her remarkable work as a founding member of Block Parents, a

pan-Canadian program recognized and officially supported by all levels of government. Margaret MacGee worked tirelessly to develop and implement this program. Thanks to her efforts, we now see Block Parents stickers on the windows of houses to make our children safer.

In addition to her work with Block Parents, Mrs. MacGee has also worked for various charitable organizations. First, she fought for prison reform and then for improvements to special needs housing, and then she defended the rights of young offenders. As a member of the International Council of Women, she worked with women around the world to find solutions to common social problems. Currently, she is helping young Canadian women become financially secure so that later in life they will not join the ranks of women living in poverty. Margaret MacGee has been recognized more than once for her volunteer work.

Without a doubt, Mr. Dillon and Mrs. MacGee are Canadians we can be proud of, as we are proud of everyone in this country who volunteers.

[English]

The Hon. the Speaker: Senator Pépin, I regret to advise you that your time has expired.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES— GOVERNMENT SUPPORT

Hon. Ethel Cochrane: Honourable senators, I rise today to express my concern that the needs of those dependent on the cod fisheries — literally hundreds of my people — have been overlooked.

In the wake of government's decision, a \$50-million action plan was announced. Six million dollars of this money will go to study seals to determine, among other things, whether or not seals eat cod.

For the people of my province who, according to one media report, represent 92 per cent of those impacted by the decision, compensation will include a \$25-million "relief package." This essentially translates into make-work projects. I just do not believe in make-work projects. They are merely a quick fix to a much deeper problem.

Honourable senators, surely we can agree that make-work projects are not only a waste of public dollars, but an insult to hard-working people like mine, who find themselves in need. It is the equivalent of kicking a strong and proud worker when he is already down.

• (1340)

I am appalled by the relief package proposed by this government. There has been no talk of future employment or of any economic development. There has been no mention of what will happen to these people when this relief expires in two seasons.

What surprises me most of all is that there has been no talk of retraining or education. According to a recent study by the Canadian Federation of Independent Businesses — and I am sure you have all heard about this — 39 per cent of respondents are concerned about the shortage of qualified labour in every province. That 39 per cent is in my province. The same survey showed that 38 per cent of small businesses in Newfoundland and Labrador expect to increase their employment in the next three years. Why not train these fishery workers and give them the skills and the opportunities to fill these sorts of vacancies in the job market?

Senator Rompkey: That includes Voisey's Bay.

Senator Cochrane: The option is there. Here we have able-bodied people with a rich history and an unparalleled work ethic. They are retrainable. Why not encourage them to train to become carpenters, electricians, pipe fitters, et cetera? In my view, this is an option that would provide real opportunities for interested people. Government is adding to the tragedy by providing nothing more than a band-aid solution.

The Hon. the Speaker: I regret to advise you, Senator Cochrane, that your three minutes have expired.

[Translation]

ONTARIO

OTTAWA—LA CITÉ COLLÉGIALE—ANNOUNCEMENT OF FRENCH COURSE IN SHORTHAND REPORTING

Hon. Jean-Robert Gauthier: Honourable senators, yesterday in the Senate, I had the honour of announcing, along with La Cité collégiale, a postsecondary institution in Ottawa, that as of the fall of 2003, they will be offering a course in computer-assisted real-time shorthand reporting in French. La Cité collégiale will be the only postsecondary institution in Canada offering this training in French.

[English]

The Northern Alberta Institute of Technology will continue to offer the program in English at Edmonton. Unfortunately, Langara College in Vancouver will discontinue its program this spring because of budgetary cuts.

[Translation]

Having La Cité collégiale offer this program means greater access to high-quality, specialized training and is aimed at meeting the needs of the labour market for real-time captioning, whether for government, for the legal community or for the communications industry. This new program fills a gap in the market by offering potential employers the specialized staff they require.

The Senate, which is at the leading edge of legislatures in this regard, will be one of the institutions that will benefit from the expertise of future graduates for the reporting of debates in this house and in committee.

In Canada, the captioning of television programs in French lags considerably behind captioning in English. This announcement is excellent news, not only for La Cité collégiale, but especially for the betterment of Canada's French-speaking deaf and hard-of-hearing population, for immigrants, people learning French, and the aging population.

A captionist or reporter is a person who transcribes sounds in real time using phonetic codes that are automatically translated by the computer into readable text on-screen. This three-year program in computer-assisted real-time reporting will train future graduates with theoretical and practical knowledge relating to shorthand reporting in the courts or captioning on television. Training periods will introduce students to the requirements of the job market. This very specialized training requires a mastery of French and the ability to read very quickly.

According to the Job Futures Program of Human Resources Development Canada, captioning of television programs in French is the area where job prospects are the best.

[Later]

[English]

ROUTINE PROCEEDINGS

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

REPORT OF COMMITTEE

Leave having been given to revert to presentation of reports of standing or special committees:

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, May 1, 2003

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SEVENTH REPORT

Your Committee, to which was referred Bill C-2, *An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon* has, in obedience to the Order of Reference of Thursday, April 3, 2003, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Christensen, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

QUESTION PERIOD

HEALTH

INFECTION CONTROL

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government. The health emergency surrounding severe acute respiratory syndrome, or SARS, will result in separate reviews of how both the Ontario provincial government and Health Canada responded to the crisis. Those reviews, no doubt, will consider the role that infection control procedures played, and if they could be improved upon in case a similar emergency occurs again.

Infection control, a cornerstone of our health care system, has not been the focus of much government attention or spending in recent years. The SARS situation has brought to light the coordination that is needed by all levels of government when dealing with this particular area.

My question to the Leader of the Government is this: Could she tell us what the federal government is considering in this area?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. As he knows, a colloquium was held just yesterday. It was an international colloquium, bringing together individuals from across the world with specialty in infectious diseases, particularly SARS.

As the honourable senator is also aware, an advisory committee led by the Dean of the University of Toronto Medical School has been established. The dean has, I think, put his finger on the most critical problem: We had, regrettably, believed that diseases like SARS would no longer happen. At one point, outbreaks of tuberculosis and smallpox were common, so we put into place programs and initiatives to deal with them. We have become all too complacent now. We must realize that such complacency can no longer exist and that the three levels of government must work together in order to ensure that we have the right national programs in place.

I stress "national" but I do not stress "federal" because there are distinct differences. The delivery will always be provincial. The federal government can certainly provide advice and monies. The municipal governments, because of their public service and public health responsibilities, will have to be on-line workers, but we need to work on this initiative together.

• (1350)

SEVERE ACUTE RESPIRATORY SYNDROME— EFFORTS TO COMBAT DISEASE

Hon. Wilbert J. Keon: Honourable senators, in addition to a national program, we must make a much stronger contribution to the global safety net in this whole area. We have one particular area of concern at the present time, and that is travel. Could the Leader of the Government update me on what is happening at Pearson airport? Have there been any new initiatives there or just the previous ones?

Hon. Sharon Carstairs (Leader of the Government): I can tell the honourable senator that some changes have been made. As he knows, there has been a travel advisory. There will now be an additional screening procedure. Effective yesterday, passengers will be required to answer questions on an amended Health Canada alert notice. Those who reply yes to any question will be immediately referred to Health Canada assessment personnel and, if necessary, referred to local medical staff. A SARS information video will be produced and made available on all international flights coming into and leaving the country. Health Canada will develop a training package for the airline industry to support airline personnel in responding to questions from passengers on SARS. Finally, experimental temperature monitoring equipment will be installed as quickly as possible on a pilot basis both at Pearson and the Vancouver International Airport.

Senator Stratton: Why not three weeks ago?

WEST NILE VIRUS—CANADA BLOOD SERVICE— SCREENING TEST FOR BLOOD DONORS

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. In the midst of our ongoing concerns with the SARS outbreak in Toronto, it is important to remember that we will soon have to deal with the West Nile virus, perhaps earlier this year than originally thought. Last year, a cancer patient died after receiving a blood transfusion infected with West Nile. Health Canada is waiting on the development of a screening test for blood donors, which is expected to be in place by July 1, if all goes well of course, as was stated on the Health Canada Web site.

In light of the unexpected discovery of a dead crow north of Toronto that tested positive for the West Nile virus, July 1 may not be soon enough to have a test in place to protect our blood supply.

Is Health Canada pushing for the West Nile screening test for blood donors to be in place much earlier than initially proposed?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question because, obviously, there are great concerns about West Nile disease. That is exactly why tests on animals were put into place earlier this year than in previous years.

Health Canada is also very concerned about the risk of serious illness, although I think we must stress that the danger to the general population remains very low. However, if you happen to be the individual who is suffering from the disease, it is not low for you; therefore, it is imperative that we put into place everything we can.

There is, unfortunately, no test available at the present time to screen for West Nile virus in donated blood. However, we are looking at tests that can be made available to provide direction to Canadian blood operators, and we are working on it as quickly as we can.

Senator LeBreton: Honourable senators, Canadian Blood Services and Héma-Québec have stockpiled frozen blood products for use this spring and summer in case the West Nile virus hits earlier than expected. In December, however, Canadian Blood Services asked hospitals to remove frozen blood products collected in Ontario from June to October 2002. The inability to screen these products for the West Nile virus was given as the reason. Did the removal of this stockpile upset the blood supply required for this coming summer? In other words, do we have enough blood supply in our system to meet the need?

Senator Carstairs: I can only assume, since Canadian Blood Services has not made any emergency requests for blood, that they feel confident they have adequate supplies into the months that lay ahead.

The honourable senator has asked a very important question, one that must be taken seriously. I will relay her concerns to the Minister of Health because they are concerns of importance to all Canadians, particularly in Ontario, where SARS seems to be more virulent than in other places.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES— GROUNDFISH QUOTAS IN MINISTER'S RIDING

Hon. Ethel Cochrane: Honourable senators, clearly the closure of cod fisheries is devastating many communities in Eastern Canada, but nowhere as significantly as in my province. What is mind-boggling to me, however, is that communities in Minister Thibault's riding of West Nova will not be suffering as a result of his recent announcements. In a press release on April 17, 2003, Minister Thibault announced the total allowable catches for groundfish stocks off Nova Scotia and the Bay of Fundy. In that part of the region, most of the total allowable catches for groundfish stocks will remain the same this year.

We know, of course, that fish swim oblivious to man-made zones or imaginary borderlines. Can the honourable senator tell me why the cod fishery was closed in much of Atlantic Canada in DFO's Gulf and Newfoundland regions, but not in the area that includes the minister's own riding?

Senator Lynch-Staunton: Interesting fish.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I hope the honourable senator is not suggesting that we should not use the best science available. The decision should be made on the basis of scientists evaluating how much cod stock is in a particular area and then determining whether fishing should or should not be allowed in that area.

In the particular area to which the honourable senator refers, which includes, I agree, the Minister of Fisheries' political riding, fishing for cod appears to be average. Therefore, the resource is viable and, therefore, fishers are allowed to continue in their occupation. I can assure the honourable senator that if science shows otherwise, then the fishery will not be allowed to continue.

CANADA-UNITED STATES RELATIONS

PROPOSAL TO DECRIMINALIZE MARIJUANA

Hon. Gerry St. Germain: My question is to the Leader of the Government in the Senate, honourable senators. It relates to the announcement that the Prime Minister made the other night at a Liberal fundraising dinner that he would decriminalize marijuana.

I understand there has already been a reaction from our neighbours, friends and greatest trading partner to the south. Could the minister comment on that, please?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let us be clear. First of all, the Prime Minister announced that very small amounts of marijuana would be decriminalized. He has not, for example, indicated in any way, shape or form that those trafficking in marijuana would not be guilty of criminal offences. He has not, for example, indicated that possession of large quantities of marijuana would be decriminalized. Individuals in possession of large amounts of marijuana would still be subject to prosecution.

We are talking about small amounts of cannabis, and we know, unfortunately, particularly from the excellent work done by Senator Nolin on the other side, that there is an unfair rate of prosecution in this country. In large urban centres, the use of cannabis is virtually ignored by the police authorities. In small rural communities, it is unfortunately all too often a situation in which the full force of the law is imposed upon young people. Those young people end up with criminal records that prevent them from obtaining employment and from going south of the border.

As the honourable senator suggests, there has been a reaction south of the border, but, interestingly enough, what the Prime Minister is suggesting is exactly the policy in place in 12 states in the United States.

Senator St. Germain: Honourable senators, I am more concerned about our future relationship with the United States and how the decision to decriminalize could impact on negotiations, for example, in the softwood lumber industry. We do not need any more pressure or strain on the relationship between the two countries.

What is the cabinet's version of a "small amount"? Amounts of 32 grams, 2 grams, 20 grams and others have been bandied about, and I believe this is significant in the overall picture of things.

• (1400)

Inasmuch as I am on the opposite side of this issue as my good friend Senator Nolin, I still think that if the government wishes to decriminalize marijuana, we should know exactly what we are talking about. We should not make random statements that will trigger an unnecessary reaction south of the border. I believe the amount of marijuana is key in this regard.

Senator Carstairs: I, too, agree with the honourable senator, which is an unusual thing in this chamber, that the amount should be clearly identified. That is why any change would have to come by way of legislation, and the amount itself will be in the legislation. I anticipate that legislation will come forward very quickly.

Hon. David Tkachuk: Honourable senators, in response to the first question asked on this subject, the minister mentioned first-time users or users of small amounts of marijuana being given criminal records. I would be interested if the minister could obtain information in that regard. My knowledge is that charges are stayed for most first-time users; they do not face criminal charges. It is only on rare occasions that a first-time user would be given a criminal record. Judges, at least now, have the ability to impose a criminal record if they wish. In changing the law, that would be changed. It would be helpful if the minister could obtain that information from the Department of Justice.

Senator Carstairs: The honourable senator has that information in his office, if he would just look at Senator Nolin's very excellent report on behalf of that special committee. He details at length the number of prosecutions. I do not wish to be in error, but it seems there are 40,000 charges each year for marijuana possession. I will check his report myself, but I think that is the figure.

Senator Tkachuk: To clarify, there may be charges, but they are usually stayed, meaning there is no criminal record.

Senator Carstairs: Honourable senators, it is also clear from the statistics that a great number of Canadians end up with criminal records, and I would ask my honourable friend to check the statistics. One statistic I learned yesterday, which astounded me, is that 100,000 Canadians use marijuana each day.

Senator Tkachuk: That statistic should frighten the Canadian people. Perhaps there should be more measures to prevent the use of marijuana, not a lessening of charges to allow the further use of marijuana.

UNITED NATIONS

GLOBAL FUND FOR FIGHTING HIV/AIDS— CALL FOR INCREASED FUNDING

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It is about HIV/AIDS.

The United Nations global fund to fight AIDS, malaria and tuberculosis is almost bankrupt due to the lack of support within the developed world. Mr. Stephen Lewis, the United Nations Special Envoy on HIV/AIDS in Africa, has said that Canada should triple its contribution to fighting AIDS, which is currently \$150 million over four years.

Honourable senators, it is logical that we should presently be preoccupied with fighting the outbreak of a deadly disease at home, but I would suggest that the situation involving SARS in Toronto should make us even more sympathetic to the plight of Africa, as it shoulders a much heavier burden in trying to deal with the AIDS pandemic.

Could the Leader of the Government in the Senate tell us what the federal government's response is to Mr. Lewis' call for increased funding for the global fund?

Hon. Sharon Carstairs (Leader of the Government): I can tell the honourable senator that the request of Mr. Lewis will be taken seriously. As the honourable senator knows, the Prime Minister announced the \$500-million Africa Fund, from which HIV/AIDS is a potential candidate for funding. However, I would remind the honourable senator, as I would remind all honourable senators, that while HIV/AIDS is a very serious problem and one that we must deal with, it is not the only serious disease impacting Africans. Malaria is, in fact, a greater killer than HIV/AIDS. We must move forward to ensure that not just one disease is funded, but others are as well.

GLOBAL FUND FOR FIGHTING HIV/AIDS—GLAXOSMITHKLINE REDUCTION IN HIV/AIDS DRUG PRICE

Hon. Donald H. Oliver: Honourable senators, on Monday, GlaxoSmithKline, the world's largest manufacturer of AIDS drugs, announced that it would cut in half the price of Combivir, its leading AIDS drug, in 63 poor countries, including all of sub-Saharan Africa. The company cited more efficient manufacturing and economies of scale as the reasons it was able to do this. Although lowering the cost of AIDS drugs is just one element of fighting this disease in the developing world, it is a most welcome announcement and one that was badly needed.

Could the Leader of the Government in the Senate tell us if the Canadian government intends to call on other multinational pharmaceutical companies to follow this lead and reduce the cost of AIDS drugs for poorer countries?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for recognizing the contribution of GlaxoSmithKline. It is interesting that this is not the first time that this particular corporation has acted in a truly humanitarian way. GlaxoSmithKline, for the honourable senator's information, is the one company of which I am aware that gives 13 weeks paid leave to any one of its employees who takes time off to look after a dying family member. This company has a very good corporate record. I am hopeful that other pharmaceutical companies will take heart in its example and make a similar contribution to the worldwide fight on AIDS.

I will mention the honourable senator's question to the Minister of Health and request that, in meeting with other pharmaceutical companies, she raise this example in the hope that similar results can be achieved.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM OF MR. ERNST ZUNDEL—
MINISTER'S DISCRETIONARY POWER
TO DISMISS CLAIM

Hon. David Tkachuk: Honourable senators, on February 19, Holocaust denier Ernst Zundel was deported to Canada from the United States and promptly made an application for refugee status. As I have said before in this chamber, Minister of Citizenship and Immigration Denis Coderre said at that time:

Those who would abuse the system should watch out for the consequences. And if that occurs, I will make the decisions necessary to ensure the system is not abused.

That statement was made over two months ago. Mr. Zundel is not a refugee; he is a security threat. Could the Leader of the Government in the Senate tell us the status of discussions between Canada and Germany regarding Mr. Zundel's removal to that country to face hate crime charges, and has the German government requested his extradition?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, there is a refugee process in Canada. Applications can be made. While we were not sitting, I am sure he read that Mr. Zundel had, through his lawyer, requested that he be released to the general public. He was not. He has been kept in detention, where he will remain through the discovery process.

As far as Germany's application to have him brought there, as far as I know, no extradition request has been made.

Senator Tkachuk: Honourable senators, Mr. Zundel could be removed quickly. Just three weeks ago, Mr. Coderre exercised his ministerial discretion and reversed his office's initial refusal to overrule a department decision to force Helen Ann Dougherty, a 75-year-old Holocaust survivor with Alzheimer's disease, to return to the U.S. Pressure from the media, advocacy groups and from within his own party led the minister to make that change. For some reason, the same type of pressure has not sparked similar proactive decision-making in the case of Mr. Zundel.

Why is the minister reluctant to use his discretionary powers to issue a national security certificate in order to expel this individual from our country?

Senator Carstairs: With the greatest respect, the honourable senator compares a case of apples and oranges. In the case to which he refers, the individual had gone through all of the processes and the only thing left was the use of ministerial discretion. It is critical that ministers do not jump the queue and that they ensure that Canadian processes, which have been put in place through legislation passed in this chamber and the other place, are respected. When we come to the very end of the line, yes, there is ministerial discretion. That is part of the legislation. However, it cannot be activated until all the other processes have been agreed to.

• (1410)

Senator Tkachuk: Just so I have this clear, honourable senators: In other words, the Leader of the Government in the Senate is saying that ministerial discretion can only be used to overrule a

decision after the whole process is completed by the department; that the minister does not have the right to use it at any other time?

Senator Carstairs: It is my understanding, honourable senators, that ministerial discretion is used in very rare cases, and can only be used when there is a humanitarian reason to initiate the process. Again, all of the other procedures leave the individual in the country while those processes are being fulfilled. Only when the stage is reached where that individual could be forced to leave the country does the minister have the legal authority to examine the situation and to decide if there is a humanitarian reason why ministerial discretion could be used. Only then may he or she choose to use that discretion.

Senator Tkachuk: In the case of a terrorist, the whole process would have to be gone through before the minister would issue a certificate. I am a little confused. Why do we have this certificate, then?

Senator Carstairs: Honourable senators, what Mr. Zundel has applied for is refugee status. There is a process in place. We have statutes. I hope that we have respect in this chamber and throughout the nation for the rule of law. If the minister were to act precipitously, I would suggest to the honourable senator that someone on the other side — perhaps not him — would be standing in their place and arguing vigorously for the protection of the rule of law.

Senator Tkachuk: Honourable senators, I would be doing that if Mr. Zundel were coming from Somalia or some other place that is a human rights abuser. However, he is coming from the United States. There is a huge difference there. Will all United States citizens who come in here go through the same process?

Senator Carstairs: Honourable senators, we have laws. Please, we need to respect the laws. Sometimes respecting the law is inconvenient and unpleasant. It may annoy or disturb us. There is no person in this chamber, I suspect, who would like this individual to remain in this country. We would like to see him leave this country, with the greatest despatch possible. However, we have rules, and those rules must be followed.

Senator Lynch-Staunton: You spent too much time going after Mulroney, and you forgot about Zundel.

FOREIGN AFFAIRS

NORTH ATLANTIC TREATY ORGANIZATION—
PROPOSAL TO CREATE SEPARATE
EUROPEAN MILITARY FORCE

Hon. Norman K. Atkins: Honourable senators, my question is for the Leader of the Government in the Senate. On Tuesday, April 29, France, Germany, Belgium and Luxembourg agreed to establish a European armed force with headquarters in Belgium. The proposal includes a multinational military force separate from NATO. Many have speculated that the move towards a European military force would greatly reduce the effectiveness of NATO, and may lead to its dissolution.

Would the Leader of the Government in the Senate inform this chamber what the position of the Canadian government is with regard to the information on this new military force and its potential for destabilizing the power of Canada's two greatest historical allies, the United States and Britain, as well as NATO? Where do Canada's ties lie?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, Canada has been a strong supporter of NATO since the time it came into force and effect. We believe that what should occur is a continuous strengthening of that alliance.

The decision by several European countries to combine their forces does not fly in the face of any NATO agreement. They are well within their authority to do so, in the same way as they have created common currencies and a common economic system. One should not assume that such an action would destabilize NATO. One may look at these developments positively: It may even enhance the NATO alliance.

Senator Atkins: Honourable senators, it may or it may not. It has been suggested by former U.S. Ambassador Gordon Giffin that Canada could act as a broker between these countries to tighten the organization and, indeed, play down any alienation felt by NATO's members after the war in Iraq. In doing so, Canada might be able to rebuild its reputation as a facilitator and peacekeeper on the world stage.

Would the Leader of the Government tell us if Canada has been asked to participate in such a capacity, or if it intends to proactively offer its services to such an effect?

Senator Carstairs: Honourable senators, the premise of the honourable senator's question is that Canada needs to rebuild its role as a facilitator. On the contrary, I do not think Canada needs to rebuild its role as a facilitator. Indeed, Canada is a well-recognized international facilitator on a number of fronts. In terms of whether Canada has been asked the question, the answer, to the best of my knowledge, is no, they have not.

Senator Atkins: Canada has a stake in NATO. I think it would be in our interest to know exactly how this situation will play out and what part Canada may play.

Senator Carstairs: Honourable senators, Canada clearly does have a stake in NATO. However, it does not have a stake in the individual decisions made by members of European communities to come together, any more than we had a decision to make in whether or not they would go to a common currency. They, too, are sovereign nations, and they have a right, under certain circumstances, to make sovereign decisions.

It is important for NATO to be aware of what these nations are doing, and in particular, to see if it can enhance the relationship that they have with NATO, but there is a limit to what NATO can do to interfere with their individual activities.

Senator Atkins: Honourable senators, in regard to membership in NATO, it is important that there not be some impact from these activities on the interests of the United States and Britain, in terms of their affiliation with NATO.

[Senator Atkins]

Senator Carstairs: Honourable senators, because individual countries make decisions that are sometimes different from those made by the United States does not make us any less a player in NATO, the United Nations, NORAD or any other agreement that we might have. That not only applies to our relationship with the United States but also to the relationship of other nations, in particular the European nations, to the United States.

All of the member states in NATO have certain obligations. They can only remain part of NATO provided they adhere to those obligations. There is nothing in this agreement — at least to anyone's knowledge at this point — that would indicate that those nations involved will be less than supportive in their NATO commitment.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

WESTERN ECONOMIC DIVERSIFICATION— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 14, 15 and 16 on the Order Paper—by Senator Kenny.

HERITAGE—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 41, 42 and 43 on the Order Paper—by Senator Kenny.

ATLANTIC CANADA OPPORTUNITIES AGENCY— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 50 on the Order Paper—by Senator Kenny.

COMMUNICATION CANADA—PUBLIC WORKS AND GOVERNMENT SERVICES CANADA— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 56, 57 and 58 on the Order Paper—by Senator Kenny.

ECONOMIC DEVELOPMENT AGENCY— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 59 and 60 on the Order Paper—by Senator Kenny.

NATIONAL PAROLE BOARD— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 62, 63 and 64 on the Order Paper—by Senator Kenny.

SOLICITOR GENERAL—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 67, 68 and 69 on the Order Paper—by Senator Kenny.

FISHERIES AND OCEANS—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 73, 74 and 75 on the Order Paper—by Senator Kenny.

CORRECTIONAL SERVICE—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 81, 82 and 83 on the Order Paper—by Senator Kenny.

PARKS CANADA—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 90 and 91 on the Order Paper—by Senator Kenny.

CITIZENSHIP AND IMMIGRATION—
ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 92, 93 and 94 on the Order Paper—by Senator Kenny.

ROYAL CANADIAN MOUNTED POLICE—
ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answers to Questions Nos. 98, 99 and 100 on the Order Paper—by Senator Kenny.

NATIONAL BATTLEFIELDS COMMISSION—
ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 102 on the Order Paper—by Senator Kenny.

• (1420)

[English]

ORDERS OF THE DAY

CODE OF CONDUCT AND ETHICS GUIDELINES

EIGHTH REPORT OF RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Eighth Report (Interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled: *Government Ethics Initiative*, deposited with the Clerk of the Senate on April 10, 2003.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is a pleasure for me to join the debate this afternoon on this important issue, an ethics package for parliamentarians.

I would like, first, to commend and thank Senator Milne as Chair, Senator Andreychuk as Deputy Chair, and the other members of the Standing Committee on Rules, Procedures and the Rights of Parliament for their hard work on this package and the comments set out in their interim report.

Once again, the members of this chamber have demonstrated the value of their study and insight into government initiatives. The government has now tabled its bill in the other place and we can see clearly the impact of the concerns expressed by honourable senators. A number of significant changes have been made to the draft bill originally tabled; changes made specifically in response to concerns expressed by our committee, and I will elaborate on these shortly.

Honourable senators, I want to speak briefly about the background of this bill. This is an issue that touches each and every one of us directly. I understand that it is a sensitive matter for some. The Senate has had rules governing the conduct of senators for, in some cases, many years. A number of senators point to these rules and question the need for more. They point out that this chamber — happily, I think — has been relatively free of allegations that individual senators used their position to advance their private interests. Those unfortunate incidents that have arisen were addressed under the existing laws and rules, including the Criminal Code. Those senators argue, essentially, if it ain't broke why fix it?

Honourable senators, I do not believe that that is good enough. Canadians expect better of us, and they deserve better from us. We all know that the rules that exist now are in some cases woefully out of date and in other cases woefully inadequate. For example, section 14 of the Parliament of Canada Act prohibits senators from being a party to a government contract. The purpose, as honourable senators know, is to ensure the constitutional separation of the Senate from executive control. The basic prohibition reads:

No person who is a member of the Senate shall, directly or indirectly, knowingly and wilfully be a party to or be concerned in any contract under which the public money of Canada is to be paid.

However, the section goes on to set out exceptions to this rule. In particular, a member need only set up a private corporation to shield himself or herself almost completely from the prohibition. The only time this would not work is in the case of a contract to build a public work. That, no doubt, made good sense 100 years ago when the section was drafted and the government's big contract, or the ones of particular concern, were to build public works. Today, with government involved in so many areas, I do not believe it makes sense.

The procedure set out in this section in the event that a senator breaches it is also quite antiquated; a historical curiosity, if you will, but one which, alas, is still the procedure we would have to follow today. Someone would have to sue the senator in court and then recover the fixed sum of \$200 for each day the contravention continued. That is one example of where our rules and laws simply do not reflect current realities.

Some senators have pointed to rule 94 of the *Rules of the Senate of Canada* as an example of the high standards to which we hold ourselves in this chamber. Indeed, that rule does permit disclosure of certain private financial interests held by senators. However, whether or not a committee orders its members to make that disclosure is completely discretionary. Rule 94(3) is the relevant provision. It reads:

Where a select committee considers that it would be in the public interest in respect of its consideration of an order of reference, the committee may order its members to disclose the existence of their private financial interests, whether held directly or indirectly, in respect of the matter.

In other words, honourable senators, even if the committee decides that disclosure would be in the public interest, the committee is still not required to order disclosure, and that rule contains the full breadth of our current disclosure obligations.

Currently, there is no requirement to disclose private interests that one has in any matter before the Senate. One may speak in this chamber on a matter or may speak in a private meeting without ever disclosing one's personal interest.

A number of senators have pointed out that cabinet ministers make decisions that can affect private interests while senators do not. I believe that honourable senators are being much too modest when they take that position. Certainly, from the public's perspective, senators enjoy a level of access and a potential to exercise quiet influence that is vastly beyond that of ordinary citizens, and nothing in the current rules or legislation addresses this. Unless the actions rise to the level of being criminal under the Criminal Code, no rule or statute addresses the use of influence to further private interests.

These are just a few of the numerous inadequacies that I believe exist in the current regime.

In their interim report, the Standing Committee on Rules, Procedures and the Rights of Parliament agreed that a new approach could be beneficial to individual senators and to the Senate as a whole. The report concludes that the current rules regarding conduct should be "consolidated, modernized, clarified and expanded." These are the words of the honourable senators who are members of this committee. I look forward to seeing the results of the committee's further study, and the rules that they recommend for adoption by the Senate to govern the conduct of us all.

Some honourable senators have questioned the government's timing in introducing this package. They ask: "Why now? There have not been any allegations of problems among senators or back-bench members of the other place." I would ask honourable senators, in these days following the Jewish holiday of Passover,

to answer that question in the words of the great sage Hillel, who said: "If not now, when?" Do we want to wait until there is a problem and we are forced to react? Is it not better to consider the matter now, without the pressure of a scandal, and together arrive at a good and just resolution?

This is not a new issue, honourable senators. It has been studied for at least 30 years. In 1973, the Honourable Allan J. MacEachen, then President of the Privy Council, presented a green paper on members of Parliament and conflict of interest. That green paper, interestingly, proposed enactment in statute of an independence of Parliament act.

Many of the ideas and principles in the draft package before you today, honourable senators, including that of an independent ethics adviser and that of public disclosure of senators' private interests, were set out more than 10 years ago in the 1992 report of the special joint committee of the Senate and the House of Commons, prepared under the co-chairmanship of our former colleague the Honourable Senator Richard Stanbury and Don Blenkarn, then member of Parliament for Mississauga South. That all-party committee, with strong representation from both houses, including Senator Oliver, Senator De Bané, Senator Callbeck and Senator Prud'homme — although Senators Prud'homme and Callbeck were not senators in those days but members of the other place — was unanimous in its recommendations.

The excellent joint committee co-chaired by Senator Oliver and the current Speaker of the House of Commons, Mr. Milliken, built upon that foundation when it issued its report and recommendations in 1997. As you know, the proposed code of conduct in the package before you now essentially implements the recommendations of the Oliver-Milliken report.

• (1430)

Parliamentarians from both the Senate and the other place have been recommending this kind of regime to apply to all parliamentarians, including senators and backbench members of the other place, for over a decade. Almost every province and territory in this country has a similar regime in place governing the conduct of representatives.

Honourable senators, it is time. We here in this chamber may be absolutely confident in our individual and collective ethical standards. However, we were each summoned here to represent the interests and concerns of Canadians, and we cannot ignore the fact that Canadians do not share our high level of confidence.

Professor Maureen Mancuso, one of the leading experts in Canada on ethics in public life, testified before the Standing Committee on Rules, Procedures and the Rights of Parliament. She produced results from an extensive study that she conducted in 1999, to gauge the state of political ethics and people's attitudes towards questions of corruption. Her results should concern us all. For example, only 34 per cent of the public said that they have some or a great deal of confidence in the Senate. This may be

contrasted with corresponding levels for the courts at 70 per cent, the civil service at 61 per cent, the media at 51 per cent, and Parliament as a whole at 46 per cent. Meanwhile, her research showed that our self-perception, unfortunately, is not in line with the public's perception.

Politicians were surveyed, and only 49 per cent of politicians had some or a great deal of confidence in the Senate. Meanwhile, fully 90 per cent of the politicians have confidence in Parliament as a whole. This is almost twice the percentage of the public who share this confidence at 46 per cent.

Professor Mancuso testified, and I quote:

Basically, when you look at the data, you see that fully two out of every five Canadians have no confidence at all in the Senate as an institution, and twice as many share a similarly dismal opinion of Parliament as a whole. I feel that that is an issue that needs to be addressed. Again, cautioning whether it is realistic or not, I still think that there is work to do to get at that.

The Code is a good first step. This is a Code that really does establish some important standards that would apply universally to all parliamentarians, emphasizing the requirement for parliamentarians to avoid not only real but even apparent conflicts of interest. It enshrines in the Code the principles of disclosure and transparency, at least with respect to the office of the Ethics Commissioner, if not the public. It recognizes the importance of providing ethical guidance and advice to parliamentarians, most of whom we know are willing to do the right thing but are often confronted with confusing and conflicting obligations.

Most importantly, it finally puts the Ethics Commissioner on a sound institutional footing by making it a position of parliamentary scope and accountability rather than an arm of the Prime Minister's office. That is an important development.

Honourable senators, the position of an independent ethics officer or commissioner, whatever one chooses to call him or her, is central to the proposed regime. This person would both advise senators on their obligations under the code to help senators prevent any problems arising, and he or she would be the one to investigate alleged breaches of the code and then report to the Senate.

Interestingly, Professor Mancuso testified that when her researchers asked the public what kind of reform measures they thought would reduce corruption, fully 61 per cent, the largest percentage of responses received, said, to create an independent ethics commissioner to investigate complaints. The proposed ethics package would do this.

The office of the ethics commissioner is probably the single most difficult issue with which the Standing Committee on Rules, Procedures and the Rights of Parliament has grappled to date on this package. Nearly the entire interim report deals with one or another aspect of this position. In particular, senators both on

and off the committee have expressed concern that, constitutionally, the Senate, the House of Commons and the executive are each separate entities, and the Senate ethics officer, or any other name for an ethics commissioner, should be separate as well to reflect this division.

I am happy to tell honourable senators, or those who have not yet had time to read the bill, that the bill introduced in the other place by the government reflects this separation. It would authorize the appointment of a separate Senate ethics officer. As recommended in the interim report of the Standing Committee on Rules, Procedures and the Rights of Parliament, the Senate ethics officer would be appointed only after consultation with the leader of every recognized party in the Senate, and only after the approval of the appointment by resolution of this chamber. The term of office has been extended, as recommended by the committee, from five years to seven years. He or she may be reappointed for one or more terms. Of course, a reappointment would again require consultation with the leadership of the recognized parties in the Senate, and again, a resolution in this chamber.

Notably, the bill does not seek to define the duties and functions of the Senate ethics officer. These will be defined by this chamber in our rules. This is made very clear in subsection 20.5(1) of the bill:

The Senate Ethics Officer shall perform the duties and functions assigned by the Senate for governing the conduct of members of the Senate when carrying out the duties and functions of their office as members of the Senate.

I would also draw to the attention of honourable senators, the next subsection, 20.5(2), which states:

The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions.

I will return to this subsection later in my remarks, but I want to point out that this subsection is included with this wording in direct response to concerns raised in the Standing Committee on Rules.

Once again, honourable senators, the members of this chamber have been able, by timely intervention, to significantly alter draft legislation before it is introduced in the other place. When I first spoke in this chamber about the ethics package that had been tabled here, and then when I appeared before the Standing Committee on Rules, Procedures and the Rights of Parliament, I noted that the Prime Minister had stated very clearly that the government would be open to changes recommended by the Senate committee and the committee in the other place. Indeed, those points relevant to the bill on which members of the Senate committee were in agreement are all reflected in the bill that has been tabled in the other place. This chamber has made a difference once again, and I thank and congratulate you.

Honourable senators, I want to address one matter that has been an issue for many honourable senators. That is, whether the Senate ethics officer should be appointed pursuant to statute or under the *Rules of the Senate*. The government believes that the Senate ethics officer should be appointed pursuant to the Parliament of Canada Act, and this is the proposal set out in the bill tabled in the other place. Let me take a few moments to address the concerns that have been raised to this approach, and explain why the government is maintaining its original position on this issue.

Some senators are concerned that using a statute would create a significant risk of judicial intervention in the actions of the Senate ethics officer that would directly conflict with the constitutional independence of the Senate and the rights and obligations of senators. In effect, they are concerned that to appoint a Senate ethics officer pursuant to statute would undermine parliamentary privilege.

These are serious concerns, honourable senators. Parliamentary privilege is a fundamental pillar of our democratic institutions. However, it is a pillar to support democracy; it is not there to hide behind. We must look carefully and seriously at the claims and then use our best judgment to assess their merits.

• (1440)

First, honourable senators, we should be very clear: There have been cases brought before the courts related to the activities of provincial and territorial ethics commissioners. These courts have uniformly upheld the principle that privilege attaches to their activities, and held that ethics commissioners' activities are not subject to review by the courts. These are not merely trial court decisions, honourable senators. The leading case, *Tafler v. Hughes*, is from the British Columbia Court of Appeal. The court was very clear:

In my opinion, the privileges of the Legislative Assembly extend to the Commissioner who is expressly made an officer of the Assembly by subsection 10(1) of the *Member's Conflict of Interest Act*. In my opinion, decisions made by the Commissioner in the carrying out of the Commissioner's powers under the Act are decisions made within, and with respect to, the privileges of the Legislative Assembly and are not reviewable in the courts.

This case has already been applied by other Canadian courts; it is not a "one-off," nor has it been, in any way, criticized or even questioned. For example, the Northwest Territories Supreme Court applied *Tafler* directly in 1999 in the case of *Morin v. Northwest Territories*. Donald Morin brought the case arguing that there had been a denial of natural justice in the inquiry by the Northwest Territories Conflict of Interest Commissioner. The court held that the facts were indistinguishable from those in *Tafler*. It found the role of the conflicts commissioner to be an extension of the legislature's inherent right to discipline its members and therefore immune from judicial review. The judge said:

In my opinion, the case before me is indistinguishable from the one in *Tafler*. The Commissioner is required to carry out an inquiry into alleged violations of conflict of interest rules that the members, as a collective body, enacted to govern themselves. The Commissioner reports to the Assembly through the Speaker. The ultimate decision on discipline is then taken by the members collectively. Since the discipline of members is an inherent privilege of the Legislature, and since the Commissioner is engaged in an investigation on behalf of the Legislature, then her actions are an extension of the exercise of that privilege. Thus they are not subject to judicial review.

Some senators point, with concern, to a more recent decision by the same Supreme Court judge from the Northwest Territories in *Roberts v. Northwest Territories (Commissioner)*. That case, however, was very different — although I agree that it is important for us to consider. Consequently, I would like to provide honourable senators with some detail about that decision.

The case arose out of the very early revocation of the appointment of the Conflict of Interest Commissioner, contrary to the provisions of the statute. The act provided that the commissioner could be removed from office by the Commissioner of the Northwest Territories, on the recommendation of the legislative assembly, for cause or incapacity. Following a series of events that, by the way, saw the resignation from office of a territorial cabinet minister and two senior aides to the premier, the assembly resolved that it had "lost confidence" in the Conflict of Interest Commissioner. Notably, there was no performance review and, especially, no finding of either cause or incapacity — just a resolution of loss of confidence. Based on that resolution, the conflicts commissioner was removed from office. She then sought judicial review of that action.

The court — interestingly enough, exactly the same judge that had decided *Morin* and few years earlier — held that privilege did not operate here to shield the actions from review. The issue in *Roberts* was emphatically not concerned with the actions or functions of the Conflict of Interest Commissioner. The judge in *Roberts* reiterated her holding from *Morin* that the functions of the conflict of interest are encompassed by privilege. She said:

I have no argument, obviously, with the proposition that the regulation of the conduct of its members, and the imposition of disciplinary measures, is an elemental exercise of the legislature's privilege.

However, the issue in *Roberts*, as the judge correctly noted, was very different. Here, it was a matter of upholding and securing the critical independence of the Conflict of Interest Commissioner. The judge said:

The Conflict Commissioner therefore serves not just the legislature and its members but the public as well in making sure that members comply with their obligations. There is therefore a need for the Conflict Commissioner to maintain a somewhat arms-length relationship with the Legislative Assembly.

All this is simply to say that there is a need to secure the independence of the Conflict Commissioner. The elected members, and more important the public, must have confidence that the Conflict Commissioner will, and is able to, carry out his or her duties impartially and effectively. No one disputed this proposition.

Had the court refused to review the decision, it would have allowed the legislative assembly to in effect use privilege as a shield to protect itself from complying with its own contractual obligations to the Conflict of Interest Commissioner and its statutory undertaking that the conflict commissioner would be independent and removable only for cause or incapacity. The court later went on to note:

The argument that the Assembly's actions in recommending removal from office are covered by privilege is simply another way of saying that the Conflict Commissioner serves at pleasure.

Honourable senators, I have no difficulty accepting the *Roberts* decision, and it, in no way, casts any doubt, in my view, upon the line of cases holding that the actions of provincial and territorial ethics commissioners — appointed by statute — are protected by privilege and the courts cannot review them. The court in *Roberts* was very clear on this. *Tafler* is very much Canadian law.

We should be very clear. The concern expressed by some honourable senators is not that the Canadian courts now would intervene under existing case law; they would not. Rather, the concern is that, at some point in the future, the courts could reverse their current position and then seek to intervene.

Honourable senators, in all of our actions in this place, whenever we are considering a public bill that will impact millions of Canadians, we exercise our best judgment based on Canadian law as it exists currently. It is not our constitutional role to second-guess whether the courts will reverse themselves at some time in the future. We pass laws regularly, that we assess on the basis of the law as it is now. I would be deeply concerned if we allowed ourselves to apply a different standard when a bill relates to ourselves than when one relates to Canadians generally.

In fact, the *Tafler* decision makes eminent sense and there is no objective reason to believe that a court will overrule it in the future. The matters at issue fall squarely within the ambit of traditional parliamentary privilege.

Honourable senators, why do we have privilege? It is to protect the independence of the institution and the dignity of the institution. Erskine May defines Parliamentary privilege as follows:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the

general law. Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual Members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its Members. Other such rights and immunities such as the power to punish for contempt and the power to regulate its own constitution belong primarily to each House as a collective body, for the protection of its Members and the vindication of its own authority and dignity. Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

Beauchesne, after quoting this same section, later goes on:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the *Constitution Act*, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House.

Maingot, in his treatise *Parliamentary Privilege in Canada*, notes that Parliament's jurisdiction over its members is "absolute and exclusive." He cites several prominent British decisions from the 19th century, relevant to us as they predate Confederation and therefore define the scope of our parliamentary privilege as well — *Bradlaugh v. Gossett*, *Burdett v. Abbott*, *Stockdale v. Hansard* — saying that they "are emphatic that 'the jurisdiction of the Houses over their own Members, their right to impose discipline within their walls, is absolute and exclusive'." On such matters, the courts decline jurisdiction.

• (1450)

Indeed, our own Supreme Court has uniformly agreed. Chief Justice McLachlin — now chief, but not at the time of her writing this decision — wrote in the leading case, *Harvey v. New Brunswick*:

The history of the prerogative of Parliament and legislative assemblies to maintain the integrity of their processes by disciplining, purging and disqualifying those who abuse them is as old as Parliament itself.

She later elaborated and said:

The right of expulsion on these two grounds — discipline and unfit behaviour — is a matter of parliamentary privilege and is not subject to judicial review....

The absence of judicial review where a legitimate ground of expulsion is established may be interpreted as a recognition that a broad and unfettered right to expel members, free from judicial interference and the uncertainty, conflict and delay that such interference might engender, is necessary to the proper functioning of democracy. Indeed, the need for dignity and efficiency in the House has long been accepted as requiring nothing less. The history of the struggle for parliamentary privilege supports this conclusion.

Interestingly, for purposes of our issue, Chief Justice McLachlin observed:

The history of the power of a legislative body to make *statutory rules of disqualification* for candidature goes back at least two centuries. Convictions for corrupt and illegal election practices have been automatic disqualifications for many years both in Great Britain and in Canada. It may be concluded therefore, as does [Andrew] Heard that “[t]he setting of disqualifications of statute...seem[s] logically to belong to [the] ancient privilege to determine matters relating to the election of members.”

Finally, Chief Justice McLachlin concluded as follows:

I conclude that the power to disqualify members for corruption is necessary to the dignity, integrity and efficient functioning of a legislature. As such, it is protected by parliamentary privilege and falls outside the ambit of s. 3 of the *Charter*. It is a matter for the legislature, not the courts, to determine.

I note that the fact of setting out even the qualifying principles and rules themselves in statute did not disqualify them from falling within privilege, nor did the fact of their enactment in statute allow the court to review their exercise. Of course, that is not what is proposed, here. The code of conduct, as envisaged in this ethics proposal, would be set out in Senate rules; only the Senate ethics officer's appointment is provided for in the statute.

Honourable senators, it is clear from this review of the authorities on parliamentary privilege that the matters involved in this ethics package fall squarely within parliamentary privilege. They relate to the power of the Senate to control and regulate the conduct of its members. This is not a “borderline” issue. Nothing in any case — not even the Federal Court of Appeal judgment in *Vaid*, which I know is cause of concern for some senators — casts any doubt on this being full and foursquare protected by parliamentary privilege. That case may suggest a change in approach to questions of privilege. Specifically, it suggests courts should look both at the existence and exercise of privilege to ensure it in fact applies. However, even *Vaid* noted that “the power to disqualify members for corruption is necessary to the dignity, integrity and efficient functioning of a legislature.” That principle and Parliament's privilege “to maintain the integrity of their processes by disciplining, purging and disqualifying those who abuse them” has never been questioned or challenged.

The proposed package would establish a regime whereby the Senate ethics officer has an advisory role only. He or she would investigate alleged breaches of the rules, but then could only report to the Senate on the results. The Senate would retain control over its members and the disposition of any alleged breach. Again, this is squarely the regime that was considered by the British Columbia Court of Appeal in *Tafler* and found to extend privilege to the ethics commissioner's activities. It is, of

course, open to this chamber to draft the rules it chooses, and I would expect honourable senators to ensure that the elements found important in *Tafler* are incorporated into our rules.

We should also be very clear as to what exactly is being proposed and what is not. It is not being proposed that the rules of conduct for senators be set out in statute. Some senators have discussed using a statute-based system or a rules-based system. I believe that language is confusing and potentially misleading. As proposed, the rules governing senators' conduct would be set out in the *Rules of the Senate*. All that would be in statute would be the provisions authorizing the appointment of the Senate ethics officer.

This is not unprecedented, honourable senators. Our own Clerk of the Senate is appointed pursuant to statute, the Public Service Employment Act. No one has ever suggested that, by virtue of this, a court could review the activities of the clerk.

It also bears noting that the statute that would be amended to provide for the appointment of the Senate ethics officer is the Parliament of Canada Act. That statute itself is cited as one of the sources of parliamentary privilege in Canada.

I will confess, honourable senators, that I have difficulty with the argument that an amendment to the Parliament of Canada Act, a critical source of parliamentary privilege in this country, could somehow undermine parliamentary privilege.

Indeed, we should not forget that right now many of the substantive rules of conduct are set out in the Parliament of Canada Act itself. The proposal is to remove them from the statute, replace them with rules set out in the *Rules of the Senate*, and simply have the Senate ethics officer appointed pursuant to the Parliament of Canada Act.

Finally, much has been made of the fact that the Oliver-Milliken committee recommended that the rules and the independent ethics officer — called then, by Senator Oliver, a jurisconsult — all be contained and appointed pursuant to the Senate rules. However, the previous all-party special joint committee, the Stanbury-Blenkarn committee, which issued a unanimous report and whose members included a number of our colleagues, had recommended placing everything, rules of conduct as well as the appointment of the jurisconsult, in the Parliament of Canada Act. The idea is certainly not unprecedented. The current proposal would, I think, be seen reasonably as an amalgam of the two.

Indeed, the committee in the other place that studied the ethics package and the draft bill concluded that it is critical that legislation be used to appoint an ethics commissioner. In their final report tabled in the other place on April 10, 2003, they said:

In order to implement such a —

— conflict of interest —

— Code, however, it is essential that an Ethics Commissioner be appointed. This can only be done through legislation.

The bill that has been tabled in the other place itself contains additional provisions designed specifically to ensure that the activities of the Senate ethics officer are protected by parliamentary privilege. As I mentioned earlier, subsection 20.5(2) provides explicitly, and let me repeat:

The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions.

This wording is directly responsive to concerns expressed by the Senate Law Clerk and Parliamentary Counsel when he appeared before the Standing Committee on Rules, Procedures and the Rights of Parliament.

The bill includes additional safeguard provisions. For example, subsection 20.5 (5) states:

For greater certainty, this section shall not be construed as limiting in any way the powers, privileges, rights and immunities of the Senate or its members.

Further, section 20.6(1) provides:

The Senate Ethics Officer, or any person acting on behalf or under the direction of the Senate Ethics Officer, is not a competent or compellable witness in respect of any matter coming to his or her knowledge as a result of exercising any powers or performing any duties or functions of the Senate Ethics Officer under this act.

Section 20.6(2) states:

No criminal or civil proceedings lie against the Senate Ethics Officer, or any person acting on behalf or under the direction of the Senate Ethics Officer, for anything done, reported or said in good faith in the exercise or purported exercise of any power, or the performance or purported performance of any duty or function, of the Senate Ethics Officer under this Act.

• (1500)

The proposed section 20.6(3) states:

The protection provided under subsections (1) and (2) does not limit any powers, privileges, rights and immunities that the Senate Ethics Officer may otherwise enjoy.

I will depart from my text to say that I think the drafters of the bill were reading the report of this committee, line by line, as they wrote this particular piece of legislation.

I have tried to explain why the government believes that we can proceed by way of amending the Parliament of Canada Act without seriously risking our privilege as a chamber. Let me now explain why the government believes that we should proceed in this way.

Honourable senators, the government believes that we should have a Senate ethics officer who is, and is seen to be, both by us and by the Canadian public, independent. The government believes that we should be able to attract the very best candidates to fill this critical position; someone who could command our respect as an individual, and our acceptance of his or her advice, and who could satisfy the Canadian public that our activities are being conducted to a very high standard of ethical behaviour.

The government understands that some senators sincerely believe that this can be achieved by someone who is appointed under the Senate rules. The government disagrees. It believes that we risk having someone who is perceived to be our employee, and therefore lacking the crucial independence needed for this position.

Earlier, I quoted from the Northwest Territories Supreme Court's decision in *Roberts*. The court noted that the conflict of interest provisions, while dealing with the internal regulation of elected members, also served the public interest by ensuring that members will work solely in the public interest, and not in their own interest. The court noted that:

...there is a need to secure the independence of the Conflict Commissioner. The elected members, and more important the public, must have confidence that the Conflict Commissioner will, and is able to, carry out his or her duties impartially and effectively.

In that case, the court suggested that this independence, this ability to carry out the duties impartially and effectively, would be undermined if the assembly were simply able to remove the conflict commissioner at will. The purpose of the statutory provision on term and tenure was precisely to avoid that situation; it was to provide the critical independence by statutory security of tenure and statutory restrictions on the grounds for which the commissioner could be removed. The government agrees.

Enshrining the position in the Parliament of Canada Act provides an important measure of permanence and stability. Not only will this reassure the Canadian public that the officer cannot simply be removed by this chamber on a whim or because senators do not like the advice they are given, but this will also help us to attract the very best candidates for the job. It is clear that the other place will have their ethics commissioner appointed pursuant to the Parliament of Canada Act.

I would not want to suggest that the Senate ethics officer is, in any way, on a lesser plane or enjoying a lesser degree of independence, permanence or stability. That is not anyone's intention, I am sure, but it should not be the inadvertent result.

Some senators have pointed to the model in the British House of Lords as an example of what could, and perhaps should, be adopted in this chamber. Pursuant to their rules — not a statute — the Lords have appointed a Registrar of Interests. This individual has a relatively limited role in overseeing the Lords' disclosures obligations.

Honourable senators, the Senate of Canada is a very different body with vastly different responsibilities from those of the British House of Lords. We are both upper houses in a British constitutional system, but the resemblance arguably ends there. Our political culture is very different. The British Registrar of Interests himself told the Senate Rules Committee of some of those differences.

The House of Lords is essentially a part-time body. It is not a house of professional politicians. They do not receive a salary for their membership. Those facts distinguish the House of Lords sufficiently from the House of Commons that it was considered unnecessary to impose the same stringent rules of conduct on the Lords as are imposed on members of their other place. Members of the House of Lords not only can pursue outside activities for financial gain but they must, since the House of Lords provides them with none.

Honourable senators, the Canadian public justifiably has different expectations of members of the Senate of Canada. We are required to attend whenever the Senate sits and we are paid well for our service. I believe we must be held to at least as high a standard of conduct as members of the other place. Indeed, one could argue that we should be held to an even higher standard of conduct than members of the other place because, unlike members of the other place, we do not return to the electorate every few years for a renewed mandate. We, ourselves, must be vigilant in upholding the public trust invested in us. Accordingly, I would argue that there is, if anything, a more pressing need to ensure that our ethics officer is independent, as compared to the need for independence that exists in the other place.

In conclusion, the existing regime is simply no longer adequate. The rules are terribly out of date in some cases; in other cases, the rules simply fail to address the reality of our situation as senators in the 21st century.

I know that some honourable senators question the government's timing in introducing this package, suggesting that there is no pressing need now to address these issues, as there is no issue involving questionable activities of anyone in our chamber. My answer, quite simply, is that this is the best time to address such an issue — before there is a problem.

Moreover, this is not a new issue. The history of trying to modernize the conflict of interest rules for parliamentarians goes back more than 30 years. Parliamentarians from both chambers have been proposing a structure very much like the one proposed in the present ethics package, for over a decade. It is definitely not too early to act on this important issue.

[Senator Carstairs]

We are confident in our ethical standards. I believe we are justified in that view. Unfortunately, the Canadian public does not share that high opinion. Fully two out of every five Canadians have no confidence at all in the Senate as an institution. When asked what kind of reform measures members of the public thought would reduce corruption, fully 61 per cent — the largest percentage of responses received — said an independent ethics commissioner role should be created to investigate complaints.

That is precisely what this proposed ethics package would do. However, honourable senators, the government believes the way to ensure that the Senate ethics officer is truly independent is to enshrine the position in legislation, not simply in our own Senate rules which can be easily changed. The Senate ethics officer must be, and must be seen to be, much more than a Senate employee. Putting the position into the Parliament of Canada Act, our most fundamental statute governing our activities, and legislating the position with a term and with clear conditions for removal ensures that this person will be independent and will have the necessary stability and permanence of tenure to do the job which we deserve and expect, and which Canadians deserve and expect.

Some senators have raised questions concerning whether we would somehow be inviting the courts to review our activities by establishing this position in legislation. For the many reasons I have elaborated in this speech, I am satisfied that we would not. We would not be undermining parliamentary privilege. Indeed, the statute in question, the Parliament of Canada Act, is itself one of our most fundamental sources of parliamentary privilege. Canadian courts have uniformly upheld that the activities of ethics commissioners are indeed protected by privilege. I believe we can put those fears to rest.

Honourable senators, we in this chamber hold a sacred trust from the Canadian public. I believe all of us work every day to fulfil that trust, but it is no longer sufficient for us as individuals to know that we act ethically and, to the best of our ability, always in the public interest. We must change public perceptions and convince the public that we always act ethically. To this end, we need a strong, modern set of rules of conduct and we need an excellent independent ethics officer for the Senate to work with us in upholding those rules.

I thank honourable senators for their attention.

Some Hon. Senators: Hear, hear.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to commend the minister for a very learned presentation. I look forward to reading it, and certainly to reading some of her references. She made mention of a poll, which troubles me somewhat; I hope that she can eliminate my anxiety over it. I am paraphrasing, but the poll asked, I believe, about the best way to reduce corruption, and I think 61 per cent indicated the appointing of an ethics commissioner. Could the minister re-read that part of her presentation? If my paraphrasing is accurate, it seems to assume that there is already corruption in this place. That is the impression that I want her to dispel.

• (1510)

Senator Carstairs: The honourable senator is referring to the issue of the testimony of Professor Mancuso. Professor Mancuso testified that when her researchers asked the public what kind of reform measures they thought would reduce corruption, fully 61 per cent, the largest percentage of responses received, responded that what was needed was an independent ethics commissioner to investigate complaints.

Senator Lynch-Staunton: I should like to ask the minister why she would quote that. By quoting the question, she is a party to it, in the sense that the question indicates that there is corruption in Parliament. I find it very offensive that that should be quoted here. What was the point of the quotation? I will not get into it. I did not intend to participate in the debate, so I will limit myself to comments and questions. However, after hearing that, among other things, I intend to participate in the debate once the bill comes.

Meanwhile, I should like the minister to explain why she felt it necessary to quote Professor Mancuso's question, which was an implication that there is corruption in Parliament.

Senator Carstairs: Honourable senators, I quoted her because it is important for us to separate in, our own mind, the views that we know to be fact from the views that are held in the public. That is why, later on in my speech, I said the following: "We are confident in our ethical standards. I believe we are justified in that view; unfortunately the Canadian public does not share that high opinion."

Unfortunately, we have to deal with that reality. We cannot exist as a chamber, unaware of what the public thinks of us. If we are to be responsive to the needs of the public — and I think that is our fundamental role, that we be responsive — it is important for us to understand what the public thinks of us.

Senator Lynch-Staunton: Is the honourable senator saying that the public thinks of us as being corrupt, unable to perform our functions honourably? The public may think of the institution as being passé, archaic, and a source of jokes and fun — that is one thing. However, does the public also believe that those individuals who make up this institution deserve the kind of characterization that the honourable senator is making, that is, that there is an element of corruption here, misbehaviour, poor conduct? Is that what the honourable senator is telling us?

Senator Cools: That is right.

Senator Carstairs: No, honourable senators, I am not telling you anything. I am certainly of that nature. I am simply quoting a witness who appeared before the committee.

Senator Lynch-Staunton: If the honourable senator does not believe what the witness said, why quote her?

Senator Carstairs: I went further; I indicated very clearly in two or three places that I did not agree with what Professor Mancuso

had to say. Having said that I do not agree with what she said, she is the one who conducted the study. She is the one who has the evidence. I do not have the evidence to the contrary of what the public thinks. It is important for us to understand that there is a perception out there that I think we must do everything possible to change because it is not true. The perception is not accurate.

Senator Lynch-Staunton: A perception of what? A perception of what Professor Mancuso suggests, of corruption? If it is a perception of not doing our job properly, of being indolent, of being normal human beings, that is one thing. However, I have heard the word "corruption." I have heard it confirmed through a certain survey done by a witness worthy of being quoted here by the minister, and I am offended and insulted by that. The minister says, "Well, I am quoting this witness, but you know I do not agree with her." I say, why distort the whole debate by bringing this disturbing conclusion before us?

Senator Carstairs: Honourable senators, I think it is important that we not live like ostriches, with our heads in the sand. If it is the choice of honourable senators that they do not want to know what has been done in a legitimate survey and they do not want the information —

Senator Lynch-Staunton: It is legitimate now?

Senator Carstairs: — so they can have an understanding of what the perception is, so be it. It does not suit me, frankly.

Hon. Herbert O. Sparrow: Honourable senators, I am concerned about this whole discussion. The honourable senator has described the survey as being "legitimate." I am not too sure we have the facts here to indicate that it was such. To quote to this chamber a survey that asked a question about corruption in Parliament and, as such, what the respondent would do about it indicates that the person doing the survey told the respondents there was corruption in Parliament. That is very wrong. The message, as I see it, did not come — and I heard the witness give that testimony — from the people. The suggestion of corruption came from the interviewer, which is an entirely different story.

As I listened to the speech of the Leader of the Government in the Senate, it seemed clear to me, as the Honourable Senator Lynch-Staunton said, that the honourable leader believes there is corruption. I think that is so dangerous and so offset. Not only once did she bring it up — and I will not ask her to review it — but twice in her speech the Leader of the Government talked about people who talked about corruption. I take extreme exception to that. I think that there is some correction to be made, that if the honourable leader does not believe there is corruption then she should condemn the report, not repeat it.

Senator Carstairs: Honourable senators, with the greatest of respect, this witness was heard by our committee. To the best of my knowledge, no one on the committee condemned the evidence of this particular individual when she made that representation. The witness presented the facts about a study that she had conducted. The information that she gave was accepted by the committee. I simply repeated that.

I also said on a number of occasions that I did not accept that evidence.

Senator Lynch-Staunton: Why quote it?

Senator Carstairs: The quote is there in the testimony, senator, and I think it is an appropriate quote to make.

Senator Lynch-Staunton: There are many other quotes the honourable leader could have made.

Senator Carstairs: I was very careful to say that my perception of this chamber is not as perceived by the good professor. Having said that, however, one cannot completely state that, because she has done this independent survey, her survey is invalid.

Senator Lynch-Staunton: She asked a loaded question. What does the honourable senator expect?

Senator Sparrow: Would the minister not suggest to this chamber, then, that she knows of no corruption taking place in this chamber, nor does she have historically any indication of that? Would the honourable leader tell that to the Senate, rather than just repeating the survey? By repeating the survey, the public is led to believe that there must be corruption, because the Leader of the Government in the Senate did not deny it. Merely repeating the survey will lead to headlines of agreement that there is corruption in the Senate. I take great exception to that, on behalf of all members of the Senate.

In the period of time that I have been here, I have not known nor has there been any indication of corruption of any senator. I am not talking about any other House of Parliament. I am talking about this one, which is what this issue is about.

I would appreciate if the minister would deny any indication of any corruption in this chamber.

Senator Carstairs: Honourable senators, let me be clear. To the best of my knowledge, and I sincerely believe it, there is no corruption in this chamber — absolutely none.

Senator Sparrow: Nor has there been.

Senator Carstairs: I do not know, senator. I can only indicate my knowledge of this Senate as it exists at the present time. I know of no corruption that has existed in this chamber in the term of office in which I have been here.

Hon. Anne C. Cools: Honourable senators, I must admit that I have found this part of the senator's presentation singularly disturbing and singularly offensive. I am searching to understand why it was that the Leader of the Government thought it so important to bring forward this particular set of polling results or survey results.

• (1520)

Normally, as one prepares a speech one brings forward quotations with an element to prove or disprove something. Perhaps the Leader of the Government could tell us what she was

trying to prove by citing the figure of 61 per cent of Canadians, or whatever the quotation was, or what it was that she was trying to disprove?

Senator Carstairs: Honourable senators, I was clearly trying to indicate why I believe the time is right to establish an independent ethics officer in the Senate of Canada and rules within the Senate of Canada's rules. There is no sense in the public that the professor's evidence is valid. The professor is an ethicist; she went to some length to conduct this work. I happen to think that the perception that exists in the public is wrong. I, for one, want to do everything I can to change that perception. I believe strongly that, in order to change that perception, we should have an independent ethics officer and that we should have a strong set of rules in the Senate of Canada rule book.

Senator Cools: The Leader of the Government is telling us that she has essentially brought forward this quotation from the professor with an eye to disprove and to discredit the professor and, if necessary, to expunge that sort of thinking from the evidence that was put before the committee. Am I correct in my understanding of what the honourable senator just said?

I do not think the honourable senator has to repeat what she has told us. We know she is committed to the proposals as they have been made. My questions are on the narrow point as to why she chose to bring forth this evidence regarding the figure of 61 per cent and a perception of corruption. If there is any danger or any real possibility of a perception of such corruption, we as senators have a duty to investigate it, to study it, to find out the nature of the corruption, to ascertain who are the corrupting individuals and to root out the corruption.

My understanding is that when a senator gives a speech in this chamber, that senator is usually trying to persuade senators on a point or dissuade them away from a point. When the honourable senator assembled her speaking notes, she would have had a clear intention of why she was bringing forth this body of evidence for our consideration. That is what I am trying to get at. I would like to know what the point was that the honourable senator was trying to make by marshalling this particular body of evidence before us. It is simply not satisfactory to say that some witness chose to put it on the record before the Senate committee. God knows that a lot of evidence is dismissed daily. I would like to know what it was that the honourable senator was trying to use that evidence to do here, today.

Senator Carstairs: I believe it is clear what I was trying to do, honourable senators. I was trying to indicate what I believe to be fact. I believe that senators act in a very reasonable way. I believe that they are above reproach. I think they work hard. I do not believe that, in any way, they are guilty of some of the perceptions, not facts, which seem to exist in the public body, those perceptions identified by the good professor. I am not discrediting what she got from her test results. I am, however, deeply disturbed that such a public perception should exist because it is unfair to this chamber. Therefore, we have a duty and a responsibility to do what we can to change that perception.

Senator Cools: Honourable senators, the use of the word "corruption," as I have made the point, is singularly disturbing. Since the honourable senator has put the discussion before us, perhaps she can tell us what the professor meant by "corruption." Perhaps we could find out from the honourable senator exactly what the definition of "corruption" was and to what phenomenon the professor was speaking.

If the population has certain negative perceptions of the Senate, are they not possibly related to the fact that the nation, this country, quite often sees the Senate as nothing other than a lackey of the government, nothing other than a lapdog of the government, to be manipulated, to be ordered and to be subjugated as the government sees fit, and, finally, as a chamber where the government can put its friends? If there are negative perceptions in the public about the Senate, does not the government of this land shoulder a major responsibility for the major portion of those perceptions?

Senator Carstairs: To put this debate in context, I will quote from the opening remarks of the professor:

I think that, in some sense, these expectations are rather unrealistic. The public, after all, are political outsiders, and they do not have a familiarity with the day-to-day expectations or requirements of politics. They are quick to discount the demands of the job, and they are hypersensitive to the apparent benefits. No matter, those still are their perceptions, and even if they are unrealistic expectations, they need to be understood and addressed because it is those expectations on which any sense of public confidence in government is founded.

Senator Cools: I was hoping for an answer to my two questions. I wanted to know in a scientific way, since the honourable senator was referring to a study done by an academic. Any study done by an academic usually lays out its foundations with great clarity. That is what happens in research. I was trying to get a clearer picture of what this academic meant by corruption, and I also wanted an answer about the role of the government in the diminishing public opinion and the public view of this chamber.

I also want to tell honourable senators that I do a fair amount of public speaking, public appearances and television right across this land. I know what people tell me about the Senate. I have invested a lot of my personal energy in trying to reverse that public perception of the Senate. It seems to me that the best way to alter, to correct and to improve public perception of the Senate, frankly, is to do good work, to stand on firm ground and to move forward with conviction and with intelligence.

I want an answer from the Leader of the Government because I am appalled that the Leader of the Government in this place could bring forth such flawed and faulty statements before this chamber — ugly ones at best.

Hon. Tommy Banks: Honourable senators, I am less offended than others by the word because I think I understand what the leader was getting at, and I even think I understand what the professor was getting at.

Having been in that game, I want to remind all honourable senators of something that I know we all know. It is that any of us could write a survey with leading questions in it that could produce any result that we want. I believe that is what has been done here and we have to take it in that context.

I do not know about the methodology of the study undertaken and I do not know whether we know what it was either. If the leading question related to what we have to do to root out corruption, people will respond to that kind of question on the assumption that it is true. We all know that that is not the case. However, if we walked out on the street in my town and used that word, however ill-advised that might be, I think the average person would nod and say, "Yes, there is." If I said, "Tell me what it is," they would be able to name a certain person who once was a denizen of this place, in a manner of speaking, to which they would attach, improperly perhaps, that word. They would leap at that. It is a well-known name and a well-known case, with which we have dealt, and with which we propose to deal in a better way in the future. However, for us to deny that that perception exists, notwithstanding the, perhaps, impropriety of the methodology that was used in asking a leading question using that word, is not realistic. Whether or not that word is appropriate, that fact is in the minds of many Canadians to whom I speak. It is a word that they would, perhaps ill-advisedly, attach to us. I remind honourable senators that if the methodology was bad, it does not mean all that much, but the perception is there.

• (1530)

Hon. Serge Joyal: Honourable senators, I will take part in the debate later on when opportunities will be afforded us.

I want to draw to the attention of the Honourable Leader of the Government that I attended the committee meeting when Professor Mancuso testified. I was strongly opposed to her statistics. There are other senators in this room who attended at the same time. I remember very well that I used a word that I had to qualify. I said that she crucified us, but I withdrew that word and used the phrase "nailed to the wall." I was emotional during a discussion with her.

I submit to the Honourable Leader of the Government in the Senate that the word "corruption" in the context of the Senate is a very important element; it is an element of disqualification. Section 31(4) of the Constitution of Canada provides that if any one of us is found guilty of treason, felony or any infamous crime, we will lose our seat.

Corruption is a criminal offence punishable by 14 years and qualifies as an infamous crime. It is not a misdemeanour, it is not two years or two years less one day, it is 14 years.

I said to Professor Mancuso that a professor in a university holds a position of trust. He or she is entrusted with the responsibility of enlightening young minds. The honourable leader was a teacher herself. She understands, more than I do, that very special responsibility that a professor has.

When a professor is leading an investigation with genuine and honest purpose and raises such an important issue in the minds of Canadians by addressing the fundamental issue of how people can trust the institution of the land, that is a little different than if you have an independent ethics commissioner to solve problems of corruption.

We all know that the problem of trust of Canadians in their institutions is multi-faceted. It includes the proper behaviour of the government, of the executive, of members of the House of Commons and of senators.

I said to Professor Mancuso that it is irresponsible, in my humble opinion, for a professor to cultivate bias. It is easy to cultivate bias. Any one of us who walks in the street in our own province and our own region knows that the Senate is in a difficult position.

We all work hard to try to improve the perception, the functioning, the trust that Canadians have in the Senate. We have achieved, honourable senators, a significant amount of progress recently — recently being a relative term — in the last few years or so, and we have all strived for that.

The initiative that the government has proposed is a very worthwhile initiative for our consideration, and needs to be put in the right perspective.

I was very offended when Professor Mancuso came forward with what I call cold, dry statistics, "You are corrupted, so you have to have an ethics commissioner and we will solve the problem." If it were that easy, I am sure we would have done it before.

If we are to take the route of an ethics commissioner — and when I say "we," I mean individually and collectively — and I am one of those who think we should go that route we should do so for the right reasons. I may have different means and ways, but the principle is sound. That is not to say that we accept corruption, but that we come up with the remedy that the potential for corruption seems to call for. If we commence an initiative, we should do so for good reasons, not the wrong reasons. I am convinced that we should try to improve the trust of people in this institution, but we should do so for the right reasons.

That is why I was offended when Professor Mancuso justified an ethics commissioner on the basis of corruption, knowing essentially what corruption means in position of a senator as a member of this place.

I will certainly take the opportunity to speak on this matter. I have listened carefully to the contribution of the honourable senator, which has raised important and emerging issues. Privilege issues are emerging issues. This is not an issue the courts have finally decided upon. There was a judgment a week ago in B.C.,

Ainsworth v. Canada (AG) and Paul Martin — the Paul Martin who is a member of Parliament — that raised the issue of privilege and questions about the definition of privilege.

It is important that we maintain the discussion at a level that will retain the credibility of this institution. The reaction of some of my colleagues, if I understand them, goes in that direction.

The Leader of the Government in the Senate will have other opportunities, particularly when the bill comes before us. That was my first reaction when comments were made in the context of the motion that we are discussing. Many of us will have an opportunity to speak. I hope honourable senators will speak for the right reasons, that we will avoid the biased perceptions that exist in some milieus, be they academic or journalistic, and the views of people who like too rehash and dissect and, in so doing, avoid asking the right questions. That is why it is so important that the issues raised should be addressed by each one of us.

Hon. Donald H. Oliver: Honourable senators, I wish to intervene only on one point, one issue and one word. The word is "corruption." I, like many other senators, attended a number of the meetings of the Standing Committee on Rules, Procedures and the Rights of Parliament and I was in attendance when Professor Mancuso made her presentation. We heard Professor Mancuso by videoconference in room 257 of the East Block.

I do not have the transcript before me, but I do recall that a number of honourable senators took umbrage at the fact that she used the word "corruption" in the questionnaire.

If my recollection is correct, Senator Grafstein was one of the senators who actually asked her if the word and the question was being used in the way that lawyers use leading questions. As a result of that exchange, it was clear that she agreed that the question, "Do you believe that there is corruption out there," will elicit from most people a "Yes," in the way that Senator Banks said most people would respond to a leading question.

I would suggest that the Honourable Leader of the Government in the Senate review the portion of the transcript where a number of senators questioned the use of the word "corruption" in that survey, and table, at least that portion, in this house. That might answer many of the concerns expressed this afternoon by a number of the senators who responded to her remarks.

• (1540)

Hon. Marcel Prud'homme: I should like to thank the leader for having mentioned that some of us worked on this issue a long time ago, long before the Oliver-Milliken report. I was reminded of my youth, when Senator Callbeck and I were members of the House of Commons.

As you know, when I am given a responsibility, I take it seriously. I never missed a meeting, although that study went on for many months. I also never miss a meeting of the IPU, where we can hardly get a quorum, even though there are 20 people on the executive. I say that in passing, because the election is next week.

I will not respond to your speech today. I will not even say that I take strong objection to your reporting what Dr. Mancuso said. I have studied this issue for 25 years and I still believe strongly that you cannot legislate honesty.

I also know that when you ask Canadians questions about the Senate, very often they say that we are inefficient. Since they want us to be efficient, if we ask them whether we are, they will say we are inefficient. If we ask whether they think the Senate should be elected, they say "Of course." Public opinion polls always drive me up the wall.

Soon, I will have spent 40 years in public life. I believe that I am more respected across this land as a senator than I was as a member of the House of Commons, and I will not refrain from reporting that. I am pleased to follow the brilliant exposé of Senator Joyal, but I am not intimidated by him. I knew him in the House of Commons, and I see that he is still brilliant.

I am very honoured to participate today, following Senator Joyal, because he touched all the points in his usual brilliant and articulate way, much like Senator Cools. Even though she drives many people to the wall, she does her own work.

Senator Cools: Always.

Senator Prud'homme: I know that, because my office is on the same floor as hers. She is a hard-working person.

This debate has started and is in the public domain. Half of the current senators are new, and most of them do not know what this is all about because they were not members of the committee. Committee members do their duty, study very attentively, and come to their conclusions. As an old man, I am always skeptical of people who become great reformists towards the end of their career. That annoys me a little. When people who have been here a long time arrive with a most modern piece of legislation on the eve of their departure, I must bear that in mind.

You have seen examples of reformists here in the Senate, people who have sat here for 25, 30 or 40 years and suddenly, on the eve of their departure, become great reformists of the Senate. I wonder what they were while they sat here for so many years. I have the same skeptical approach to this legislation. Some people believe that once we have this, our problems will be solved. I do not believe that.

Throughout the years that I sat on that committee, people came forward with all kinds of weird ideas. If you have a commissioner, will there suddenly be honesty? Do they have a commissioner at the tax court? The court can render decisions that can make or break millionaires. Do they have a commissioner at the CRTC who, with one decision, can create a multi-billionaire? Do they have all of this annoyance, and do the people of Canada know about that?

In this sense, I am uneducated. I never defend the Senate when I go to schools, although I talk about the Senate. I do not defend parliamentary life, although I talk about it.

We have an excellent opportunity today, at the opening of this debate, to reassess our role of educators on public life. People are

totally frustrated and need to attack someone. The best people to attack are parliamentarians. It is our duty not to fall into the easy temptation of creating all kinds of commissioners or confessors.

The senator said that this report was arrived at after consultation with the opposition. I am very skeptical. I prefer to see consultation and acceptance. They never want to use the word "acceptance." By "consulting" they mean "informing," so you had better be careful. Since that person, whoever he or she may be, will be our private confessor, I think the independent senators should at least be consulted, although perhaps not to the point of our acceptance. We may have some opinions. It is regrettable that you have made a nice deal between the government and the official political parties. There are five people whose honesty has never been questioned who may have opinions on this matter.

I will tell you, in advance, that I will not be going to that person, whoever he or she may be, to explain what the law requires me to explain in any language but my first language.

As I said, I want to participate in this debate. I am happy that you have opened up the subject. You have received enough negative comments for now. I am sure that you will keep some of them for yourself, but you may decide that you should not have quoted Dr. Mancuso. I hope that is the last we will hear about that lady.

Hon. Gerald J. Comeau: Honourable senators, I have two very specific questions. The bill refers to the Prime Minister's consulting with the leaders in the House of Commons, if I understood correctly. As I recall, in the report presented by Senator Milne, the question was that there would be agreement with the leader in the Senate prior to ratification of the ethics commissioner. Will there be agreement with our leader before ratification?

Second, I am still not quite sure on the question of public disclosure. It was not discussed very much in the report. It is my understanding that the financial affairs of our companions will have to be divulged. Will there be a definition of "companion"? Will it be singular or plural? I am not suggesting that I have more than one companion. I may be charming, but not that charming.

• (1550)

Senator Comeau: However, suppose one were to have a married companion and, though intimate, might not be seen as a public companion, would a senator then have to divulge the assets and friends of that second person as well given the close relationship of the second person? Those are two very specific questions.

Senator Carstairs: Honourable senators, I will answer the honourable senator's first question by quoting from the bill that has been tabled in the other place. It states the following:

The Senate Ethics Officer holds office during good behaviour for a term of seven years and may be removed for cause by the Governor in Council on address of the Senate.

Section 20.1 reads:

The Governor in Council shall, by commission under the Great Seal, appoint a Senate Ethics Officer after consultation with the leader of every recognized party in the Senate and after approval of the appointment by resolution of the Senate."

Regarding the second question asked, the honourable senator has done what we have not yet done. Any provisions with respect to disclosure would be in the rules. The rules have no part in the legislation. The rules are Senate rules. It would be up to the Senate to decide whether we will disclose assets. It will be up to the Senate to decide whether a senator will disclose the assets of wife number one, and potentially wife number two.

However, I will not go there, Senator Comeau. I will leave that between the honourable senator and wife number one.

Hon. Joan Fraser: Honourable senators, with bated breath I return to the question of Professor Mancuso. I would not wish this chamber to fall into the trap of shooting the messenger. I also attended the committee meeting at which she testified by teleconference. In my view, she was quite careful to not state that she believed in implying that senators were corrupt. She very carefully distinguished between reality, of which she has no knowledge as she has not studied us, and perception among Canadians at large, which she has spent many years studying.

It may be of some interest to honourable senators also to know that at least one of the questions did not use the word corruption at all. It asked about a range of activities and sectors — the courts, media, journalists, politicians, judges. It asked respondents whether in the respondent's view journalists — I chose that example, as I once was a journalist — are, in your view, more or less honest than ordinary average Canadians? This may be an odd question, but it did not talk about corruption. It did not start out by assuming that anyone was or was not corrupt.

You could tell from the range of responses that Canadians were not just saying, "They are all corrupt. Everyone about whom you are asking me is rotten and dishonest." It was not like that.

It remains true that the perceptions that she found through her very detailed, painstaking work, which she has conducted over a long period of time, were not good news for us. It is not good news to hear that such a large proportion of the population that we all came here to serve does not have the faith in us that we wish it had. However, in Parliament, as elsewhere, it is usually not a good idea to shoot the messenger. It is a good idea to look at the message, and if the message is important, then to resolve upon what action, if any, one wishes to take.

Honourable senators, we should not shoot the messenger. Professor Mancuso was the messenger. We did not enjoy what she had to say, but that is not her fault.

Hon. Francis William Mahovlich: Honourable senators, I would like to throw a little enlightenment on the subject. In the

Speaker's chamber is an inscription about public opinion by, I believe, Cicero, who was a senator of the Roman Empire. He said, "Let reason prevail with me more than popular opinion."

Hon. A. Raynell Andreychuk: Honourable senators, I do not know on which side of the issue stands Senator Mahovlich.

Senator Mahovlich: The side of reason.

Senator Andreychuk: The minister, in addressing the interim report of the Standing Committee on Rules, Procedures and the Rights of Parliament, also raised the legislation that has been tabled in the other House. At the end of the comments, it was indicated that a commissioner would be put in place by statute, and that the rules or the code would be determined by the Senate.

I have sat previously and sit currently on the Rules Committee and we have continually updated and changed the rules. If the honourable leader believes that some rules would need to be changed as a result of this legislation, would she tell us which ones because the Rules Committee should deal with them immediately. We do not need to wait for the legislation to do what the legislation appears to confirm that we are already doing?

Senator Carstairs: As the honourable senator knows, from my comments, and I know that she carefully listened because I watched her, the legislation before us now deals only with the ethics commissioner. It deals with the ethics commissioner for the Senate and the ethics commissioner for the House. There will be two ethics commissioners.

It is my understanding that the Rules Committee will now undertake an examination of the rules of conduct, which was also part of the original package that was sent to us. The committee will report back to the chamber as to what the members think should be in those rules of conduct. If the honourable senator is asking about those things that I think should be in the rules of conduct, I will mention two.

Honourable senators, I fully believe in disclosure. I had to provide that kind of disclosure when I was a provincial politician in Manitoba. It is rational and reasonable. When I arrived here, one of the first questions I asked of the clerk was for my disclosure forms because I assumed that the federal Parliament would have the same kind of disclosure provisions. I was quite shocked when they did not have those provisions.

As to whether spouses should be included, I think that is a decision for the chamber. In Manitoba, spouses do have to disclose, and that practice did not provide me with any discomfort. If that practice provides the majority of senators with discomfort, then I would suggest that we pass a provision that does not allow for spousal disclosure.

The second thing that I would like to see in the rules is a very clear definition of activities of senators, of a non-profit nature. A number of senators have been told that they should not participate in non-profit organizations if, by some remote connection, that non-profit organization may receive some funding from the federal government.

• (1600)

Honourable senators, I think that is wrong. Our duties and obligations as senators mean that we should be part of the community in which we live and exist. I do not think that my work on behalf of the Prairie Action Foundation to raise, along with many others, \$5 million to sustain a family violence institute across the Prairies was in any way a conflict of interest for me. I know that some of those researchers receive grants from the Review Committee for the Humanities and Social Sciences. To me, it would be absolutely abhorrent if I could not participate in that kind of activity. Senators are being given that advice and I think that it is wrong. I would very much like the rules to address that aspect and lay it out clearly that senators should be encouraged to participate in activities for non-profit organizations.

Senator Andreychuk: Thank you for putting forward the two points, honourable senator. Certainly, on disclosure, we have wrestled with that many times in the Rules Committee and not just at one meeting.

My point was that we could do that today and we do not need to wait for any legislation. I felt a small amount of discomfort, if not umbrage, at the opinion that if this were legislated then we could do these things; and that we would be precluded from doing it or we have not done our duty. I believe that the Senate and the Rules Committee, in the past, have wrestled with the issues pointed out by the honourable senator and have had input to the rules to the extent that there was consensus and agreement in this place.

Not unlike the honourable senator, I have had many issues that I would have liked to have raised in the Rules Committee, and I have been outvoted. Therefore, those issues are not covered in the rules. To leave the impression that there are some rules that we could have and should have but cannot have because we do not have this legislation is misleading in the way that we operate today. I want it clearly on the record, with your concurrence, that there is nothing precluding our studying any part and putting forward any rule that we deem advisable today.

Senator Carstairs: Honourable senator, there is not, with one exception: In the current Parliament of Canada Act, sections 14 and 15 are being interpreted to say that we cannot undertake this kind of activity. At this time, as long as sections 14 and 15 remain in the Parliament of Canada Act, the Senate could not purport to develop rules that were in conflict with sections 14 and 15.

This proposed legislation would remove sections 14 and 15 from the Parliament of Canada Act and would replace them with the ethics officer. That would allow us to deal with an area that has not been accessible to us before.

Senator Andreychuk: Would you not agree that we could have either put in a bill ourselves or petitioned the government to make amendments to the Senate portion of the Parliament of Canada Act and that it does not need a replacement by an ethics commissioner? Rather, it means a reworking of those two sections to bring it into line with what the honourable senator and I think about not-for-profit activities.

Senator Carstairs: To some degree, that is what Speaker Milliken and Senator Oliver did when they wrote their report, which said that sections 14 and 15 should be removed, that a set of rules should be developed, that there should be an ethics commissioner to oversee those rules, and that the Senate would remain in absolute control. The only difference that exists between what they have recommended and what we will see, and have already seen in the other place, is a bill that will put the ethics commissioner in statute, whereas they would have put the appointment of such a person in the rules.

On the other hand, the Blenkarn Committee report, on which Senator Prud'homme sat, would have recommended that everything be in statute — both the rules and the office of the ethics commissioner. I think it makes sense to have the ethics commissioner, and not the rules, in statute.

Senator Andreychuk: Honourable senator, I simply continue to make the point that we can move any rule changes, including those in the Parliament of Canada Act, without any specific legislation coming from the government. We could have taken the initiative, although I would not want to leave the impression that we have not taken initiatives in the past. I say that not on my personal behalf but on behalf of the many senators who are no longer in this place but who worked diligently on these issues.

On motion of Senator Andreychuk, debate adjourned.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NEED FOR NATIONAL SECURITY POLICY ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on National Security and Defence (budget—study on the need for a national security policy for Canada), presented in the Senate on April 29, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny moved the adoption of the report.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I will continue along the same line of questioning that I followed for Senator Fraser's report on the study by the Transport and Communications Committee on Canadian media industries. I will try to reconcile the needs of the Standing Senate Committee on National Security and Defence which, according to that committee, are \$465,000, and the allocation before us of the Standing Committee on Internal Economy, Budgets and Administration of \$180,000, a substantial decrease in the requirements that the committee felt were necessary to carry out the mandate which had been given to it by this chamber.

Honourable senators, I am not questioning the work of the committee or the purpose of the study. However, I am questioning the process that we must go through in the allocation of funds. The first figure being \$465,000, which may have included an inflation factor, and the second figure being \$180,000 is, in effect, saying to the committee, "We are paralyzing you." That is the way I read it.

I can also understand the Internal Economy Committee's problem. In the Senate budget that we approved in the chamber, under \$2 million is available for committee work. The demands by all committees are substantially beyond that. Therefore, it had to go through a paring down process, which I think is the wrong way to approach the situation. I would have thought that each committee would have been asked before the budget was prepared: What are your needs and requirements for the following fiscal year, and we will try to accommodate you? If the total came to \$4 million, then let it be \$4 million, rather than going through this awkward, difficult and embarrassing process of doing it with an eye dropper. I hope to be contradicted on this one but, if past history is a guide, I know full well that in the fall there will be Supplementary Estimates, that needs that were felt essential today will be found in the fall and, in the long run, the original request will have been met.

That is not the way to run a committee — knowing that you only have so much money to do a job that requires much more, although, in the fall, you may receive the rest of the money. How can a committee schedule its work that way?

• (1610)

I will question Senator Kenny on this one, and then Senator Oliver, and then Senator Comeau, and others when the time comes, and I assume I will get the same answer. How can you operate this way? There must be a better way. I find this — I will not say bush league, but close to it. I am not faulting anyone. The Chair of Internal Economy and her colleagues have a difficult job to do here. I am faulting ourselves for not having a proper procedure for budget preparation, particularly for committees and for the allocation of funds, which should be done at one time, once and for all.

That generality behind me, with a decrease in the committee's request from \$465,000 to \$180,000-plus, is the Honourable Senator Kenny able to satisfy us that the committee will be able to complete the work that he has indicated the committee intends to do? If I read the Internal Economy Committee's recommendation correctly, the \$180,000 is intended for the entire fiscal year.

Senator Kenny: I thank the honourable senator for his question. I wish all the questions coming my way were so easy to answer.

There is not only no way that our committee can complete its work for the fiscal year with the funds provided, but we will have great difficulty functioning in a whole range of areas. It is starting now. I am spending far more time now on administrative matters than I am on substantive matters. My impression, when I was sent to the committee and when I was elected chair, was that I would have an opportunity to focus on substance. I am now focusing far more on how to work within the rules and how to work within a limited budget of this sort.

The honourable senator is quite right. To the best of my knowledge, there was no consultation with any of the committee chairs prior to the main budget being submitted, certainly not of me and not any of the committee chairs to whom I have spoken,

as to what might be appropriate to be included in the main budget.

The Clerk of the Senate, on the other hand, has quite an elaborate process with each department. To the best of my understanding, come September, he meets with all of his department heads. They prepare proposals that are debated internally. They are then brought forward for examination by Internal Economy, which will decide upon them. Each of the department heads is consulted about what they think is appropriate for their department. Committee chairs in the Senate do not get that at present.

Just to describe the process a little further, since I think that is what the honourable senator is asking about, committees such as ours sat down and spent a great deal of time going through a work plan and deciding exactly what needed to be accomplished, as best we could. It is a difficult job to do if you are looking 14 or 16 months ahead, because that is when you are planning your proposals.

We developed a work plan. We developed a budget. The committee then proceeded to cut the budget and to reduce it. It went through that process.

With that in hand, I then went with the clerk of my committee to meet Internal Economy, the steering committee thereof, three people and some staff, and I had 15 minutes to make a presentation. I made a presentation. Very few questions were asked of me. The first time I got an answer back as to what was in my budget was when the report was tabled here in this chamber. I did not have a chance to comment on the new budget.

Just so all honourable senators know, when the budget comes back, this is not a pot of money that the committee can then manage to the best of its ability. This is a pot of money that comes with strings attached, as well as conditions and requirements. One cannot simply say, "Well, I have this lump of money, and we will spend it in the most efficient and effective way." One is told, "No, this piece of money may only be used for travel and that piece of money may only be used for research." A committee can only travel under certain circumstances, with a certain number of people. If the committee travels to conduct a different kind of hearing, then it can travel with a different number of people.

The budget also has strings attached in terms of the staff. We put in an application for staff, and what came back was less than half of what we requested. I am referring to professional staff, not the interpreters or the reporters who keep a record of what is going on, but the professional staff who are used to advise us.

Our committee deals with intelligence and defence matters. There are no experts in the chamber. There are no veterans any more. There are no ex-CSIS members here. Excuse me. We have a veteran here, and I apologize. I spotted him. He is sitting almost behind the Honourable Senator Lynch-Staunton. There is one exception. He may not be a veteran; he may just have military service. However, we do not have that expertise, so we go to the Library of Parliament, the services of which are theoretically available for free, or at least at no charge to the Senate. Her

Majesty pays for the library, and it does not come out of our budget. The library has no one with an understanding of intelligence or the military. It has no one with experience vis-à-vis the borders. We have to go out and hire people who can help us decode things.

It is a different committee in other respects as well. For example, if a senator on the Banking Committee is not getting satisfactory answers from the Department of Finance, the committee can go to Bay Street or Montreal and find people who know an awful lot about financial matters. They will come down and give the committee all sorts of good advice and lots of good information. If CSIS closes its doors to us, there are no intelligence people out there who can give us that information. If the Department of Defence decides to adopt a corporate position and say everything is fine, whether it is or is not, we cannot go to another military and find out what is going on. We need to have experts come and help us.

If we are left without experts, we have a real problem. If we have a budget that we are not consulted on, we have a real problem.

A procedure has been announced in this chamber that relates to clawback. I understand the purpose of clawback. If we look at the last decade of Senate funding, honourable senators will see when they compare the requests from committees to what was actually used that it averages out somewhere around 52 per cent. Someone looking at the numbers could say, "Well, why do we not manage this in a smarter way? If we know that over 10 years committees only used about 50 per cent of what they asked for, let us keep the money down, and then we can reallocate it from the people who are not using the money they asked for and ship it over to the people who are using it."

• (1620)

The difficulty with that approach, honourable senators, is that we do not know until it is too late. By the time Internal Economy can figure out that it has money to reallocate, there is no opportunity for a committee that receives the reallocation to plan a trip. In our planning, a committee trip requires a minimum two-month lead time. The work for our trip to Washington next year has already started. The kind of relationships we need with people down there requires a full year of work.

There is a disinclination — no, it is worse than a disinclination. We cannot go ahead with the trip because, under the rules, a clerk cannot book a hotel room if the committee does not have the money to pay for it.

Right now I cannot make a contract with our experts. At top pay, we have a general who has a contract for \$28,000. We cannot sign a contract with him that runs over the course of a full fiscal year because we do not have enough money to cover off all of our staff. If the experts can only get a commitment for part of a year, they need to start planning to do something after that. The likelihood of losing staff is high.

Senator Lynch-Staunton mentioned Supplementary Estimates. Our committee will have exhausted all the funds made available

to it by July 1 of this year when we take our trip to Quebec and Nova Scotia. We will go to Quebec City to see the naval reserve, to Valcartier to see the major French army base, and to Halifax. Those three steps will use up the vast majority of this committee's budget.

That trip is not due to take place when the Senate is sitting. For what it is worth, our committee is planning —

The Hon. the Speaker *pro tempore*: Senator Kenny, I regret to inform you that your time has expired. Are you asking for leave to continue?

Senator Kenny: May I please have leave to wrap this up?

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Kenny: I thank honourable senators for their consideration.

Just as an example, and to remind senators of the pace of things here, the Senate came back at the end of September, but it was December 10 before we received funding. That is how long it takes to go through the process, even though we were one of the first committees to jump through the hoops. If the Senate rises on December 14 and does not sit until the second week of February and rises for two weeks in March, that does not leave much time to get things done.

Prorogations do not come along all the time, but when we have one, we end up sitting for only 42 days on average in a year. In a regular year with no interruptions, no dissolutions, no prorogations, we get up into the high seventies in terms of sitting days, but they are few. Waiting for the motions to be moved makes things even more difficult.

My point is that since December 10, there have only been seven sitting weeks. Our committee has sat for 172.8 hours. We have to pay the staff for that. That is not an easy deal. Our committee sits on Mondays. We have two members from the West who leave on Sunday to come to Ottawa because they want to do the work. They come in on Monday to do the work. It is extraordinarily difficult for them, but they have still managed to attend the 172 hours of committee proceedings. That is not bad since December 10, given that we have had only seven sitting weeks. What about the staff who have to come and work? We have to spend throughout. It is a hugely difficult problem for us to address.

I turn to the business of Supplementary Estimates coming forward. If the Supplementary Estimates (A) were to come forward at the end of September, as they do traditionally, we will not know and will not be in a position to spend that money until the Estimates have been tabled in the Commons. That will probably be at the beginning of November. Committee planning that starts at the beginning of November is difficult to complete before the December break.

Frankly, unless the leadership in this chamber can make a commitment to go back or to pass a resolution for Supplementary Estimates, I see great likelihood of this place grinding to a halt, at least as far as the committee work goes. I see our staff disappearing. I foresee an inability by committees to go out and meet Canadians in the regions.

If anyone thinks our reports have been worthwhile, if there has been any redeeming feature in our reports, it has come about because we have gone out and talked to people where they live and work. We heard from them firsthand. We have done our work on a fact-finding basis where people have been prepared to be candid and open with us.

The whole process invites dismay. There does not appear to be a dialogue going on. There does not appear to be an iterative process where people are consulted on their needs. There does not seem to be any clarity in terms of how one can plan for the course of the year and how one can give assurance to staff that they will continue to be on board, assuming they perform properly and do their job, for the duration of the fiscal year. This is no way to organize things. This is not the way the system should run.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Banking, Trade and Commerce (*budget—release of additional funds (study on the domestic and international financial system)*), presented in the Senate on April 29, 2003.—(*Honourable Senator Kolber*).

Hon. Wilfred P. Moore, for Senator Kolber, moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET—REPORT OF COMMITTEE ON STUDY OF THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Banking, Trade and Commerce (*budget—study on bankruptcy and insolvency*), presented in the Senate on April 29, 2003.—(*Honourable Senator Kolber*).

Hon. Wilfred P. Moore, for Senator Kolber, moved the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

[Senator Kenny]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to point out the requirements for this study. Although the figures are small, the result is the same. The request was for \$30,000 and the allowance is \$21,500. Is that enough?

The more I look into this, the more I look forward to September when I will object greatly. Supplementary Estimates traditionally are for unexpected expenditures during a fiscal year. Now, more and more, we are seeing Supplementary Estimates that include expenditures which are, for various reasons, delayed from the Main Estimates knowing they will go into the Supplementary Estimates. That is the part of the whole process that I do not like. I hope that we will not see \$500,000 or \$800,000 in the September Supplementary Estimates to cover requirements that we could have covered here under a more mature and objective budgetary process.

I raise this, Senator Moore, not to criticize you. I raise it to get rid of some frustrations that are growing in me regarding this whole process which faces us and which we could do without if we were more properly organized.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Official Languages (*budget—study on the operation of the Official Languages Act*) presented in the Senate on April 29, 2003.—(*Honourable Senator Losier-Cool*).

Hon. Rose-Marie Losier-Cool moved that the report be adopted.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, at the risk of repeating myself, I think that I have made my concerns pretty clear in recent speeches. The committee chaired by Senator Losier-Cool had requested \$211,000 and was allocated \$126,000, a pretty drastic cut. Is this enough for the current year or will she be forced to come back looking for more? If so, why pretend there is a cut when, eventually, all requests for funds will be honoured, more or less?

Senator Losier-Cool: Honourable senators, first, if I do come back for more it will not be this fiscal year. The first part of this report adopted by the Official Languages Committee, the one for our work plan, was adopted on March 4 and represented the bulk of the money. This was for two trips, one to Western Canada and one to Eastern Canada. When I submitted this budget request to the Standing Senate Committee on Internal Economy, adjustments and negotiations were required.

With regard to the negotiations with the members of the Standing Senate Committee on Internal Economy, you will see from the budget they allocated to us that the portion for travel in Eastern Canada, in the amount of \$71,000, was put on hold. I will be proposing to the members of the Standing Senate Committee on Official Languages that this portion of the travel be deferred until the next fiscal year, in March 2004, so that we may thoroughly pursue the examination we wish to carry out on Part VII of the Official Languages Act. What was not allocated was just about promised for 2004.

The Hon. the Speaker *pro tempore*: Are the senators ready for the question?

Hon. Senators: Agreed.

Hon. Jean-Robert Gauthier: Honourable senators, if I understand correctly, the report is now under consideration.

Senator Losier-Cool: I have moved adoption of the report.

Senator Gauthier: Honourable senators, for many years, I have always objected to in camera meetings where decisions regarding a committee's commitments are made. In camera meetings are, in my opinion, for when a committee wants to discuss labour relations or draft a committee report.

However, if my memory serves me well, the committee discussed these planned trips when I was not present. I have no recollection of this. I questioned the clerk, and he told me that this matter was discussed in camera on March 24, after I had left. It was late in the evening, and Minister Dion had appeared before the committee with regard to his Action Plan. The committee decided to adjourn, and then there was an in camera meeting.

I did not attend in camera meetings when the committee's schedule was being discussed. I asked to see the transcript of this meeting, and I was told that there was none because it was an in camera meeting. Given that the meeting was held in camera and that there is no transcript, I was not informed. I am a member of this committee and I want to be informed.

The Chair knows, because I asked her yesterday. She told me that the matter had been settled. That is all very well, but I am a member of this committee and I want to know what is going on. I want to know where we are going, why we are going there, and what we are going to do there! A few moments ago, Senator Kenny mentioned that the committee had discussed its objectives at length. I agree, but this should not be done in camera, and not on an issue as important as this one. On that basis, I oppose adoption of the report.

Senator Losier-Cool: Honourable senators, the decision on in camera meetings was made by the committee members in the first few meetings, namely, that there would be in camera meetings to discuss the future business of the committee. That was so that the members could discuss these matters freely. Most of the time, the committee holds public meetings or televised meetings, depending

on what has been asked for. I want to come back to the question of committee business. When we discussed this, Senators Keon, Chaput, Léger and Beaudoin were present. It is true that Senator Gauthier was not, but his assistant was. When senators cannot attend in camera meetings, we have agreed that their staff members in charge of the file should be present to keep them informed.

[English]

Hon. Colin Kenny: Honourable senators, I have a question for my friend and desk mate. Am I correct in my understanding that members of the committee wanted to go to Eastern Canada, wanted to do more work, and now find that they cannot do all the work that they were prepared to do because the funding is not being made available to them?

Senator Losier-Cool: Yes, the members of the committee wanted to go both ways, to Eastern Canada and to Western Canada, to complete this study. It will not be completed by the end of the fiscal year 2003. Then it was decided that we would go to Eastern Canada in the next fiscal year.

Senator Kenny: If the money were available, would the committee want to do the work and are the members prepared to make the trip? Would it be useful to have the study completed in a more timely fashion?

Senator Losier-Cool: To be very frank, the members of the Committee on Official Languages who are here know how limited we are with this committee. First of all, we are limited in human resources. We do not have that many members available. We must have our meetings every second Monday evening at four o'clock, and sometimes other senators are travelling. Therefore, many members were, I would say, reticent to a certain extent with respect to the availability of travelling to two different parts of the country in the same fall. I think, at the same time, some members of the committee will be happy to put it back to a later date to complete our study.

To the other members of the committee, I hope I am accurate in what I have said.

Hon. Terry Stratton: Honourable senators, I would like to ask a question. I was on the Standing Committee on Internal Economy, Budgets and Administration at that time, and believe me, if you have not served on the Internal Economy Committee, it is not a particularly delightful situation to be placed in to try to balance the money you have available with your committee's requests.

We made a distinction this year in that we requested committees to reduce their budgets on a voluntary basis and asked them specifically how they could do that, for example, spreading their study over more than one fiscal year. There were committees such as yours — and this is a question, because I want you to confirm that — that voluntarily said, "We will extend this study into the next fiscal year." As well, Transportation and Communications did the same thing. They voluntarily agreed to extend their study over several fiscal years.

• (1640)

The Agriculture Committee, in a similar fashion, came back and voluntarily reduced their budget. The Fisheries and Oceans Committee did the same thing. Senator Comeau came back and voluntarily reduced the budget of that committee because they realized that, by doing things a little differently, they could resolve and obtain what they needed to do to complete their study in a different fashion, because we were given only so many dollars.

On the other hand, some committees did not voluntarily reduce their budgets, so we had no choice. We only managed to make a few savings out of the voluntary reductions on the part of those committees that strived voluntarily to reduce their budgets, and we had to cut back on the budgets of other committees. We had no choice. There is a fixed sum of money available.

I agree with you, Senator Lynch-Staunton, the process is wrong, but no one in this chamber has come up with a solution. We all stand up and bleat about the lack of money, but no one has said, "This is how we should proceed in a realistic fashion." During all of the years I have been here, attempts have been made to correct, modify and move by supplements, or by this method or that, in order to finesse the system and get what is needed. Honourable senators, is it not time that we took a look at how we allocate these funds, and do it in a pragmatic fashion, realizing we would only have certain sums of money available? That is reality. This is public money that is being discussed. If a committee makes a request for \$4 million for its work and it only receives \$1.8 million, what is the committee expected to do? If the committee members say, "Well, let's go for the \$4 million," I think that is unrealistic because in my view committees will just inflate their budgets.

I would like some committee to take a look at this whole situation and consider how we can more properly address the problem, rather than standing up and complaining. Would you not agree, senator?

Senator Losier-Cool: Honourable senators, I am not influenced by my neighbour for my answer.

To your first question, yes, it was on a voluntary basis that we changed, and I would propose again a new plan of work to the committee in the coming meeting next Monday.

I then come to the second question, which is also the main problem that we have with the Committee on Official Languages, and it is a question of time, a question of frequency of meetings due to the lack of human resources and the number of senators that we have available to be on that committee, and also a question of the technical resources available.

In answer to your question, even if we had had \$1 million more, I think we would still have had to meet more times in order to do our work because our work is stretching and expanding.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we should be careful not to give the impression that nothing was done in recent years to provide what

committees requested. I recall that, when I sat on the Standing Committee on Internal Economy, Budgets and Administration, we used to allocate certain amounts to committees and kept saying that there would be Supplementary Estimates in the fall and that we could then ask for the rest of the money necessary to carry on committee business.

At one point, a decision was made to try to include in the Main Estimates amounts based on previous year figures and to take both Main and Supplementary Estimates into consideration. The result was, honourable senators, that in spite of significant increases in the amounts allocated to committees, the committees' requirements grew faster than the funds allocated.

We must be careful not to give the impression that no efforts were made in this regard. I agree with Senator Stratton when he says that the Internal Economy Committee may not be the most appropriate one to make decisions on how funds should be allocated. I do not think that it is a popular committee, especially when it has to examine committee budgets and to cut the amounts requested.

I must say that we receive great cooperation from the majority of senators and committee chairs. I take this opportunity to point out that, when she presented her budgets, the Chair of the Standing Committee on Internal Economy, Budgets and Administration thanked the honourable senators for their cooperation.

I agree with the Leader of the Opposition that we must find a way to ensure we need not rely on Supplementary Estimates, on the possibility that funds might become available in the fall. When committee chairs appeared before the Internal Economy Committee, no commitment was made about the shortfall being made up in the fall. This is a decision that will be made by the Senate, on the recommendation of the committee when we examine whether or not Supplementary Estimates are necessary.

[English]

Hon. Tommy Banks: Honourable senators, I am concerned. We are doing the work of Parliament here. The deputy leader has referred to the fact that budgets in the last few years have improved. I understand that, a long time ago, those budgets used to be zero for committees, or close to it, by comparison. As well, the image of the Senate has improved. Those two things, I suggest, have an almost provable cause-and-effect relationship. I would not even begin to name the work that has been done because in doing so I might leave out a distinguished piece of work done by a distinguished committee.

I know that our first job is here. It is to debate legislation here and to debate legislation in committees. Often, that can be done in Ottawa, in committee rooms. Often, that can even be done better elsewhere. Certainly it is the case that, in respect of special studies, which have been undertaken by many different committees of the Senate, and there are more coming, that work has come, of late, to distinguish the Senate. It is that work that is garnering for the Senate editorials that might otherwise never have been written. They certainly have not appeared before, in my memory.

[Senator Stratton]

Nevertheless, there have been editorials in prominent national newspapers saying, "Gee, those people actually know what they are talking about. Gee, maybe we shouldn't disband the other place. Gee, maybe that is where the work is being done." I do not recall such things ever having been said before, and I think there is a relation between those two things. I came here to work. I believe all honourable senators did, and I believe strongly in "empowering" — if that is the word — by which I mean financing, but not in a profligate way, the committees of the Senate to do their job properly.

• (1650)

There is an anomaly here. Last year in the other place, the committee budgets went up. Last year in the other place, research budgets went up. Last year in the other place, office budgets went up.

Last year in this place, expenditures under our constitutional obligations went up. Expenditures under our contractual obligations went up.

One thing did not go up last year in the normal course of events, in the operation of Parliament and the expenditures which are taken to properly do the work of Parliament, one thing and one thing only, and that is the committee and research budgets of the Senate of Canada. That is inexplicable.

Our Senate budget went up because we have contractual obligations over which we have no influence; we have legislative expenditures over which we have no influence. They go up. When we added them up, they came to 6.8 per cent of our budget. Someone said, "We cannot ask for more than 6.8 per cent," or whatever the number was. Pardon me, I do not know the number. Whatever the number was, someone said we cannot go beyond that.

If we are to change the way the Senate works from the way it used to, if we are to see senators go out and do the work in Canada for which the institution receives salutary notice, but, more important, which permits the Senate to properly do its job, then as the Leader of the Opposition said today, "We have to fix it."

I was in the arts granting business for a long time. I know how horrible a job it is to see deserving applications to Canada Council. There are so many applications and there is so much money. You throw the applications into the room and say three days later which ones will live and which ones will die.

Our Internal Economy Committee is faced with the option of either doing that or spreading the butter so thin that no one can do the job that the committee itself determined, based upon its order of reference, that it would do.

Here is our order of reference, which the Senate approves. Here in the committee meeting is how the committee deliberates it will do its job.

Senator Fraser is about to embark on a study of the media in Canada. That committee decided how it would do its job and how much the study would cost. That is not to say that everyone in every undertaking gets all of the money they ask for, but as Senator Stratton has said, someone should ask in advance what we need to do the job properly. In that way the Internal Economy Committee would not have to do that extraordinarily difficult job.

I refer to the first page of the letter that I sent to Senator Stratton and others saying that I have no complaint about the fairness with which that committee has done its job. It has been eminently fair; but it should not have to do that kind of job. This has nothing to do with Supplementary Estimates. Supplementary Estimates are supposed to be for unforeseen expenditures.

I have foreseen expenditures in the committee of which I have the honour to be the chair, which involve travelling to a conference in Canada, to very good effect. We must reserve hotel rooms now for next March or there will not be any, and we must register members of the committee or there will not be any places left at the conference. I cannot do that. That is not an unforeseen expense. I should be able to do that. Senator Kenny referred to this earlier. That is less than a year away, but the committee cannot plan its work.

What I am asking of the ether, I suppose, is when will someone, whoever is in charge, say to the Senate and to its committees: "How much money do you need to do the job properly?" Satisfy whomever that is that the number in the answer to that question is right and is not inflated. We are not asking for six when we know that four will do because we know that two will be pared off, but if six is the number, justify the six. Then we have to go for it. Who asks us how much money we need for research and committee work and who gives the answer? Why is the answer that we do not need any more? We do need more.

[Translation]

Senator Gauthier: Honourable senators, I asked a question and was given an answer and a debate arose. I am happy about that. There needs to be a healthy debate here. I enjoy public debates. I loath in camera meetings. You will not find any special permission that allows a committee to meet in camera to discuss future business in the *Rules of the Senate*. There is no such thing. It is against the rules. If I am mistaken, please advise me right away.

Given that the discussions are underway and that the report was tabled on April 29 — I have not had the time to examine it all, it is quite lengthy — I move adjournment of the debate.

The Hon. the Speaker pro tempore: It has been moved by the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser, that debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

[English]

The Hon. the Speaker pro tempore: Will all those in favour of the motion please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will all those opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the “nays” have it. The debate will continue.

If no other senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on National Security and Defence (Subcommittee on Veterans Affairs) entitled: *Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment*, deposited with the Clerk of the Senate on April 10, 2003.—(Honourable Senator Day).

Hon. Joseph A. Day, for Senator Meighen, moved the adoption of the report.

The Hon. the Speaker pro tempore: It is your pleasure, honourable senators, to adopt the motion?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I will not prolong all that has been pretty well said, except to point out that the subcommittee has asked for \$35,500, and they are being allocated half that amount. One wonders how they can do their job. Assuming the \$35,000 is a realistic request, will they be back in the fall for the balance, or can they struggle through with half of their request? If so, then there is something wrong somewhere.

Senator Day: Honourable senators, the committee will report before we adjourn at the end of June. We will not be back looking for Supplementary Estimates in the fall to continue this study.

Honourable senators, the fact that our budget has been reduced from \$35,000 to \$17,000, approximately half of our original request, means that you will get half the effort that you would have gotten otherwise. The committee believed that \$35,000 was reasonable and would properly reflect the mandate that the Senate gave us. The Internal Economy Committee dictated otherwise, and we will do the job that we can for \$17,000.

• (1700)

Hon. Tommy Banks: Do I understand that it will be about half the job?

Senator Day: That is correct.

Hon. Colin Kenny: I have a question for Senator Day. Is that the view of the steering committee of the Subcommittee on Veterans Affairs?

Senator Day: The steering committee, as I understand it, honourable senators, felt that the \$35,000 requested was reasonable and fair to properly do the job.

Senator Kenny: Therefore, this is the opinion of Senator Day, as opposed to that of the steering committee.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ON STUDY OF IMPACT OF CLIMATE CHANGE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the impact of climate change on agriculture and forestry), presented in the Senate on April 29, 2003.—(Honourable Senator Oliver).

Hon. Donald H. Oliver moved the adoption of the report.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to point out that Senator Oliver got all that he asked for.

Hon. Eymard G. Corbin: Did Senator Oliver say that he got all that he asked for?

Senator Oliver: Yes.

Senator Corbin: To do what? We are entitled to be informed of your objective.

Senator Oliver: This report relates to a study that the committee has been working on in relation to adaptation to climate change. We have heard a number of witnesses and have only a few more days of hearing witnesses before beginning detailed work on the report. This budget, for which we have received approval from the Internal Economy Committee, is largely for postage, telecommunications and printing. The printing costs will be for the interim report that we hope will come out some time in June. We believe that the amounts we have sought will be sufficient to complete the work of the committee, and will complete the interim publication of the report on climate change.

Senator Corbin: Was there any travel involved in that study?

Senator Oliver: Yes, there was travel, but it was done through the previous budget.

Senator Corbin: Did the committee do all of the travel it wanted to do?

Senator Oliver: Yes, we did all of the travel we wanted to do for this study.

Senator Corbin: Why do you get everything you want?

Senator Oliver: The budget is modest. We are seeking about \$16,000. It is a modest amount for communication to help us publicize the report once it is completed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET—REPORT OF COMMITTEE ON STUDY OF
DEVELOPMENT AND MARKETING OF VALUE-ADDED
AGRICULTURAL, AGRI-FOOD AND FOREST
PRODUCTS ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on issues related to agricultural, agri-food and forest products), presented in the Senate on April 29, 2003.—(*Honourable Senator Oliver*).

Hon. Donald H. Oliver moved the adoption of the report.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before any committee chair is tempted to hire Senator Oliver as an advisor on approaching the Internal Economy Committee, I want to point out that in this case he falls back into the same category as those who have spoken before. He asked for \$515,000 and has been allocated \$222,000.

Senator Rompkey: He is batting .500.

Senator Lynch-Staunton: Can the objectives of the study be carried out with the same efficiency and following the same schedule as originally planned, or does the committee have to cut back and hope that, in the fall, they will be allowed supplementary funds?

Senator Oliver: Honourable senators, we have had to cut back and are not able to do what we had originally planned. However, in consultation with the Internal Economy Committee, we are getting ready to undertake a major study. In the previous major report of the Standing Senate Committee on Agriculture and Forestry, entitled "Farmers at Risk," were recommendations to find ways whereby more money would be left at the farm gate. We were told that we ought to look at ways to add value to a number of farm products rather than just selling the raw wheat, grains, cereals, cheeses, grapes, et cetera. This is a study of value-added to determine whether more money can be left at the farm gate. This study cannot be done in a matter of weeks or months but will take an extended period of time.

In undertaking the study on climate change, which we are about to complete, we travelled to Saskatchewan, Alberta and British Columbia. In the study culminating in "Farmers at Risk," we travelled to Atlantic Canada. The Internal Economy Committee suggested that we might do only half the travel in the next fiscal year and complete it in the following fiscal year. Therefore, the main cut in this budget is for travel. We would like to think that when we submit our next major budget for this study, the Internal Economy Committee will look favourably upon granting the rest of the money that we need to complete the report.

Hon. Colin Kenny: It is my understanding that the two trips the committee cut were those to Western Canada and Eastern Canada?

Senator Oliver: We will not do that travel at this time.

Senator Kenny: When the committee prepared its budget and work plan, was it prepared to make those trips?

Senator Oliver: Yes.

Senator Kenny: Would it have been beneficial to have made those trips?

Senator Oliver: It would have been, yes.

Senator Kenny: The reason for the delay is simply that the funds are not available?

Senator Oliver: That is right.

Hon. Eymard G. Corbin: Could the honourable senator specify what he means by "the next fiscal year"?

Senator Oliver: The budget that has just been approved is for April 1, 2003 until March 31, 2004.

Senator Corbin: Did the Internal Economy Committee tell you that in 2004 you can apply for the other half of the money?

Senator Oliver: Yes.

Senator Corbin: Is that realistic? There will be a leadership change at the head of the government. The probability of there being an election next year is pretty well on the button, I would say. I am not running things, but I have 35 years of political experience. After an election, everything goes back to zero in this place. There will be a new Parliament, a new session, and everyone gets in line again to apply for funds. When Senator Oliver speaks of the next fiscal year, he is talking about an improbability. There will not be a next fiscal year in terms of the work of the committee. It will be brought back to zero. Who knows, Senator Oliver may not even be chair of that committee.

Hon. Tommy Banks: Honourable senators, putting aside the reality to which Senator Corbin has referred, and pretending that there will not be such an interruption, and given the fact that the larger part of the budget will come after April 1, 2004, is that for work that would otherwise have been completed by then?

Senator Oliver: That is correct.

Senator Banks: That means that the study will take much longer than it otherwise would have, and that work that you could otherwise undertake beginning in April 2004 will now be deferred for an unknown length of time, even if there were not an election, because the committee can only do a portion of the work in the present fiscal year for the simple reason that there is not enough money.

• (1710)

Senator Oliver: That is correct.

Senator Kenny: Honourable senators, if I may, it seems to me that this place often gets accused of not doing enough work. If there is one continuing criticism that comes back to us time after time, it is that we are not working hard enough.

Is the Honourable Senator Oliver content with that? Is he prepared for people to look at that committee and say, "Why are you not working harder? Why are you not putting in a full week's work?"

Can Eastern and Western Canada be disregarded? Is the honourable senator prepared to put up with that?

Senator Oliver: Honourable senators, We have no intention of disregarding Western Canada, nor have we any intention of disregarding Eastern Canada. We intend to start the study of value-added products in the province of Quebec, where the committee has not been in a very long time. From there, we will go to the province of Ontario. We will have a number of meetings here in Ottawa. By the time we complete the hearings in Quebec and in Ontario, we should be close to the beginning of the next fiscal year.

Notwithstanding the reality that Senator Corbin has warned us about, it would be our intention to put in another budget to try to get the balance that we need to do the western and the eastern trips and complete our study.

Senator Kenny: If I understood the answer of the honourable senator earlier to this chamber, a plan was already in place to do the east and west this year. It now sounds like the east and the west can wait until next year.

Senator Oliver: Perhaps the honourable senator heard Senator Stratton earlier saying that at the time that these applications went before the Internal Economy Committee, he was a member of the budget committee of the Internal Economy Committee. A letter was written to all committees by the Chair of the Internal Economy Committee asking that the committees review their budgets to find ways in which they could cut those budgets.

The requests for travel exceeded by more than \$1 million the money available in this year's budget. Therefore, we were asked to cut accordingly.

Senator Kenny: Honourable senators, if I understand correctly, the committee has not submitted a full budget or a request to travel to the east and the west. The committee voluntarily cut those trips before submitting their budget to the Internal Economy Committee.

Senator Oliver: No, no.

Senator Kenny: It was submitted, and then cut. Is that correct?

Senator Oliver: That is correct. We filed a budget for travel to all the regions of Canada where we will be doing a study of value-added products in relation to agriculture and forestry. After that initial application was made, we received a letter recommending that we make some cuts voluntarily.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the Thirteenth Report of the Standing Committee on Internal Economy, Budgets and Administration (*Policy on Equipment, Furniture and Furnishings*) presented in the Senate on April 2, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny: Honourable senators, this motion is adjourned in my name, as is the next one. My difficulty is that when the two reports were tabled, we were advised that they would be in our office the previous night. I took the adjournment because I did not have an opportunity to read them before I was being asked to approve them.

I have now had an opportunity to read them. They both seem pretty reasonable reports. Having said that, it would be much easier if we had someone who could speak to them, or if we had some comparison that would show how the policy on equipment, furniture and furnishings differs from the previous policy, and how the policy on telecommunications differs from the previous policy. I find myself working through the reports, and I am uncertain as to the changes and the impact on us as individual senators.

Honourable senators, these two reports directly affect how senators' offices function in a very direct way. It seems to me that it would be premature for us to vote on them until we had a better understanding of how things would be changed. It may well be a change for the better. I hope that it is. In fact, I am sure that it is. However, it would be nice if it were underlined.

Therefore, I would like to continue to have the adjournment stand in my name. I would like the Table to note that we should be provided with some demonstration of the changes from the previous status: In other words, what is new or different that we are being asked to approve. It would assist us greatly in forming a judgment about the value of these reports.

The Hon. the Speaker pro tempore: Is it agreed that the item stand?

Hon. Senators: Agreed.

Order stands.

FOURTEENTH REPORT OF COMMITTEE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the Fourteenth Report of the Standing Committee on Internal Economy, Budgets and Administration (*Policy on Telecommunications*) presented in the Senate on April 2, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny: Honourable senators, the same comments apply to this item.

The Hon. the Speaker pro tempore: Honourable senators, is it agreed that the item stand?

Hon. Senators: Agreed.

Order stands.

STUDY ON MATTERS RELATING TO STRADDLING STOCKS AND TO FISH HABITAT

REPORT OF FISHERIES AND OCEANS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Third Report of the Standing Senate Committee on Fisheries and Oceans (*study on matters relating to straddling stocks and to fish habitat*) presented in the Senate on March 27, 2003.—(*Honourable Senator Cook*).

Hon. Joan Cook: Honourable senators, for over 1,000 years, Europeans have been coming to the East Coast of North America to fish on what were the world's richest fishing grounds. From the Vikings to the Spaniards, every major oceanic power has made some claim to this fertile resource.

At one time, the most abundant fish inhabiting the East Coast of Canada was the Northern Atlantic cod. They were found in an area of approximately 400,000 square kilometres, stretching from the Grand Banks to the Hamilton Banks in the northwest Atlantic Ocean.

Our Northern Atlantic cod stocks are considered straddling stocks because they are found both inside and outside of Canada's exclusive economic zone. Fish do not recognize this 200-mile imaginary line, and the cod swim in and out of Canada's EEZ into the area commonly known as the high seas.

Straddling stocks pose a distinct management problem for Canada, because while the fish are outside the limit, vessels from any country are able to fish them. As a result, the Canadian government cannot effectively manage these stocks without the cooperation of all other nations whose fishers are active in the area, as well as the international organizations charged with governing and controlling fishing activities beyond the 200-mile limit.

The northern cod have supported our commercial fishery since the sixteenth century. Historical catches have been estimated to be between 150 and 300,000 tons per year. It is estimated that the size of the stock is now only one-third per cent of historic levels.

Honourable senators, the Northern Atlantic cod spends most of its life cycle on the Grand Banks. Its annual migration crosses over the 200-mile limit. Therefore, what happens outside the boundary has a direct impact on the stocks inside the boundary.

On December 18, 1989, the Standing Senate Committee on Fisheries recommended in their report, "The Marketing of Fish in Canada," that Canada take strong measures to put pressure on those countries who overfish the straddling stocks beyond Canada's 200-mile limit. The committee also recommended that the Prime Minister, the Secretary of State for External Affairs, and the Minister of Fisheries and Oceans develop a strategy to establish full Canadian fisheries jurisdiction over the entire continental shelf.

In response, the government of the day indicated that it would pursue a policy of allocating surplus fish inside the 200-mile limit in return for cooperation by the foreign fleets. This has not happened. Following this Senate report, the government reduced the catch limit for the northern cod within the 200-mile limit and established a new scientific task force.

On February 24, 1992, Canada's Minister of Fisheries and Oceans announced a moratorium on northern cod. This has effectively shut down the Canadian off-shore fishery inside the 200-mile limit. However, it did little to save Canadian fish when they swam beyond the limit. Eleven years later, we see no improvement in stock size.

• (1720)

Honourable senators, I would like to bring to your attention the organizational factors that affect how our cod stocks are managed and by whom; Canada's role within the responsible international organizations; and what the Canadian government could do to strengthen policies and the governing agencies essential for the recovery of the northern Atlantic cod stocks.

On January 1, 1979, the Northwest Atlantic Fisheries Organization, NAFO, formally came into existence as a body to replace its precursor, the International Commission for the Northwest Atlantic Fisheries, which had been on the go for 30 years. Currently, NAFO is comprised of 18 parties. Canada signed on in October 1978 and ratified one week later. It is notable that Canada provides approximately 50 per cent of NAFO's costs.

The prime objective for NAFO has been the management and the conservation of the fisheries resource in its regulatory area. NAFO is also responsible for joint international inspection and surveillance. Currently, all vessels that are part of NAFO must carry an observer, have satellite-tracking devices and be subject to dockside inspections.

During the past two decades, Canada has worked within NAFO to manage the straddling stocks but with only limited success because of foreign overfishing and because of NAFO's perceived poor enforcement of their rules. There are underlying problems within the organization. One is that the NAFO convention allows any nation that does not like a conclusion from an annual meeting to object to the conclusion and opt out. This objection procedure has been frequently used over the years. There is also a long list of problems with non-compliance: use of illegal gear, high level of by-catches, harvesting an excess of quotas or harvesting species under moratorium, and the misreporting of catches, to name a few. NAFO attempted to fix this breakdown with the implementation of the observer program. This is where one individual maintains a 24-hour watch for weeks at a time on a vessel at sea to ensure that all others adhere to the rules.

Honourable senators, compliance enforcement is at the heart of the straddling stocks issue. It is necessary to resolve this problem with all parties involved. The European Union, for instance, is a powerful entity within oceanic affairs and must first be made aware of the problems within NAFO and work together to brainstorm ideas in search of a common solution.

Honourable senators, Bill C-29 received Royal Assent on May 12, 1994. It provided for the arrest of vessels that have no international registration and that refuse to comply with conservation measures in the NAFO regulatory area. This new legislation went into effect on May 31 and stateless vessels reportedly left the Grand Banks shortly afterwards.

On June 11, 2002, the House of Commons Committee on Fisheries and Oceans recommended that Canada withdraw from NAFO, establish "custodial management" of the fisheries on the Nose and Tail of the Grand Banks, and set up and enforce legislation against overfishing by other nations. Presently, NAFO is, in my opinion, a very imperfect organization, but I also believe it is better to have an imperfect organization than nothing at all.

In August 2002, a custodial management coalition was formed, meaning that Canada would take responsibility for the enforcement of regulations outside the 200-mile limit and would designate fish stocks that straddle this imaginary boundary line as part of the EEZ. Canada would then enforce all monitoring and surveillance activity, while NAFO would continue to operate the scientific council, carry out stock assessments, conduct the necessary research and provide recommendations on total allowable catch levels.

After years of negotiation, in 1982 a United Nations conference adopted the UN Convention on the Law of the Sea, UNCLOS. While Canada "signed" the text on December 10, 1982, and is

committed to ratifying the convention, it has yet to do so. This is work in progress. When this happens, hopefully sometime this year, Canada's role in NAFO will be strengthened.

Because the Law of the Sea has too little to say on the protection of straddling fish stocks outside the 200-mile limit, the United Nations later adopted recommendations for straddling stocks and in 2001 provided a framework for conservation of fish stocks, which is commonly known as the United Nations Fisheries Agreement, or UNFA.

UNFA provides a good framework for the conservation and management of straddling stocks in high seas areas regulated by regional fisheries organizations such as NAFO. However, it is not operational within NAFO. Douglas Johnston, with the Marine and Environmental Law Program at Dalhousie University, stated: "As far as objectives and principles are concerned, implementation of the UNFA framework is crucial for the future of NAFO."

NAFO could be strengthened and modified by incorporating the new and up-to-date ideas, principles, procedures and sanctions found in other organizations, such as UNFA. The governing bodies, as they now stand, could come together and function under one umbrella and be more effective in the management of the straddling stocks in the northwest Atlantic. It is my understanding that a strong, unified secretariat within NAFO is imperative for success.

The Fisheries Council of Canada has also been a continuing positive force in the area of straddling stocks. They are a private sector trade association representing companies active in the growing, harvesting, processing and marketing of fish and seafood.

In June 2002, the provincial Minister of Fisheries and Aquaculture in my province of Newfoundland and Labrador announced the establishment of an advisory council on foreign overfishing. This year, on March 17, a report of the Newfoundland and Labrador Federal and Provincial All-party Committee on the Northern and Gulf Cod, of which I am proud to have been a member, called for a Canadian-based custodial management regime to be adopted to protect the straddling stocks from foreign overfishing. In a report released one week later, the House of Commons Committee on Fisheries and Oceans reiterated the recommendations that it made in its June 2002 report.

As well, a round table forum on improving the management of straddling fish stocks was held on February 20, 2003, in my province of Newfoundland and Labrador, bringing together renowned international legal experts and industry officials. However, a consensus was not sought or offered.

It is my opinion that there is an extensive amount of research, discussions, debates, reports and round table forums focusing on straddling stocks. Canada, once a leader for the development of international ocean affairs, now has an opportunity to regain its credibility on an international level.

Honourable senators, it is necessary to take action on a global scale, to think outside the box in conjunction with other concerned nations and to work together to become politically motivated to find solutions that will work. There is no doubt about the effort being invested; there are just no results. We need to focus and to follow through with all that has been done to date.

Honourable senators, there is a critical need for the federal government to promote cooperation, among the many nations fishing in the NAFO regulatory area, for scientific research in order to prevent this biological disaster from becoming irreversible and to try to save our ocean fish from extinction. In addition to providing more research, support is essential. The federal government must press and require organizations such as NAFO and UNFA to ensure that their practices are up to date, improved and effective.

Honourable senators, the fishermen and the people in my province deserve no less than to have this resource returned to them.

• (1730)

Hon. Bill Rompkey: I should like to adjourn the debate, but before I do so, I congratulate Senator Cook on an excellent speech and say to the chamber that there is no more important issue than this. We have just asked Canadian fishermen to stop fishing. We have said, "There is no more fish. You can no longer fish. You must find something else to do, or take a handout." Yet, outside of 200 miles, foreign people come and fish those same fish with no problem whatsoever. It is entirely unfair. The Government of Canada has never signed the Law of the Sea Convention and never moved to put in a regime to control the stock that exists outside of 200 miles. The issue Senator Cook has raised is an important one, and an imperative one for us. I will adjourn the debate because this debate must be continued.

On motion of Senator Rompkey, debate adjourned.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw to your attention the presence in the gallery of the Honourable Marc Lalonde, former Minister of Finance for Canada. On behalf of all the senators, I welcome you to the Senate of Canada.

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the

information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I believe there is much merit in Senator Gauthier's motion. There are so many questions needing clarification as far as the feasibility of what he is proposing is concerned. I think it would be a good thing, if no one wishes to speak about this issue, to refer this inquiry to a committee for an in-depth study. We need a motion for that. This is a technical matter that requires some degree of study.

I would like to ask Senator Gauthier, if I may, whether he intends to follow up on his inquiry with a formal motion so that the entire matter may be referred to a committee for an in-depth study.

Hon. Jean-Robert Gauthier: I would, of course, like to see some action and some follow-up on this. I have already spoken on this matter and was expecting my colleagues to give me the benefit of their thoughts or advice on this highly important matter. If a motion is needed, I will move one.

[English]

Hon. Joan Fraser: Honourable senators, so that the chamber is aware, Senator Gauthier has mentioned in this context that he has spoken informally to me about having the Standing Senate Committee on Transport and Communications examine this question when an appropriate opportunity arose. It did seem to me, and I told him this, that there would be an appropriate opportunity when the committee is considering some transportation legislation now working its way through the other place. The new airports act and substantial amendments to the Transport Act are both coming to us.

I am sure this chamber will understand me if I say that I am not eager to have another motion of reference for another special study just now, but I do think that this is an important issue and can appropriately be considered without a whole special study and budget attached thereto.

[Translation]

Senator Corbin: We know that the airline industry in Canada is currently suffering as a result of the September 11 tragedy. Tourism is down and travel abroad has dropped because of another problem, a health problem, that has hit everyone hard.

Obviously I support Senator Gauthier's motion. I think that it would be good for the Standing Senate Committee on Transport and Communications to hear from experts, from professionals in the field who could explain to us how to go about implementing the measures that Senator Gauthier would like to see, and what the costs would be.

We are talking about making changes to all aircraft in Canada, if I understand the scope of Senator Gauthier's motion properly. His proposal has consequences. I am not at all opposed to it, and if — given Senator Fraser's comments — her committee could look into the terms of this inquiry and report back to the Senate, that could satisfy me. We must not avoid a technical and professional assessment of the issue.

On motion of Senator Robichaud, debate adjourned.

AMERICA DAY IN CANADA

MOTION—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I do not intend to speak today on Senator Grafstein's motion. If other honourable senators wish to join the debate in the meantime, I would be pleased to listen to them. However, I would like the motion to stand in my name.

• (1740)

[English]

UKRAINIAN FAMINE/GENOCIDE

MOTION REQUESTING GOVERNMENT
RECOGNITION—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk, pursuant to notice of December 12, 2002, moved:

That this House calls upon the Government of Canada:

- (a) to recognize the Ukrainian Famine/Genocide of 1932-33 and to condemn any attempt to deny or distort this historical truth as being anything less than a genocide;
- (b) to designate the fourth Saturday in November of every year throughout Canada as a day of remembrance of the more than seven million Ukrainians who fell victim to the Ukrainian Famine/Genocide 1932-33; and
- (c) to call on all Canadians, particularly historians, educators and parliamentarians, to include the true facts of the Ukrainian Famine/Genocide of 1932-33 in the records of Canada and in future educational material.

Given that the Genocide of Ukrainians (now commonly referred to as the Ukrainian Famine/Genocide of 1932-33 and referred to as such in this Motion) engineered and executed by the Soviet regime under Stalin to destroy all opposition to its imperialist policies, caused the deaths of over seven million Ukrainians in 1932 and 1933;

That on November 26, 1998, the President of Ukraine issued a Presidential Decree establishing that the fourth Saturday in November be a National Day of Remembrance for the victims of this mass atrocity;

That the fourth Saturday in November has been recognized by Ukrainian communities throughout the world as a day to remember the victims of the Ukrainian Famine/Genocide of 1932-33 and to promote the fundamental freedoms of a democratic society;

That it is recognized that information about the Ukrainian Famine/Genocide of 1932-33 was suppressed, distorted, or wiped out by Soviet authorities;

That it is only now that some proper and accurate information is emerging from the former Soviet Union about the Ukrainian Famine/Genocide of 1932-33;

That many survivors of the Ukrainian Famine/Genocide of 1932-33 have immigrated to Canada and contributed to its positive development;

That Canada condemns all war crimes, crimes against humanity and genocides;

And that Canadians cherish and defend human rights, and value the diversity and multicultural nature of Canadian society.

She said: Honourable senators, I am waiting for some further information and would like to continue my comments on this motion next week.

On motion of Senator Andreychuk, debate adjourned.

[Translation]

THE SENATE

MOTION TO CREATE SPECIAL COMMITTEE TO
OVERSEE IMPLEMENTATION OF BROADCASTING OF
PROCEEDINGS—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose pursuant to notice of December 12, 2002:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, with closed-captioning in real time, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five senators, be appointed to oversee the implementation of this resolution.

He said: Honourable senators, I hesitated a long time before moving this motion, because there is much division on this matter: some people support it, others do not. Obviously, I am in favour of this motion. Given the late hour, I beg leave to defer the debate to a later date. This would allow us to further examine the issue.

On motion of Senator Gauthier, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, May 6, 2003, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 6, 2003, at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(May 1, 2003)

| | |
|-------------------------------|--|
| The Right Hon. Jean Chrétien | Prime Minister |
| The Hon. David M. Collenette | Minister of Transport |
| The Hon. David Anderson | Minister of the Environment |
| The Hon. Ralph E. Goodale | Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians |
| The Hon. Sheila Copps | Minister of Canadian Heritage |
| The Hon. John Manley | Deputy Prime Minister, Minister of Finance and Minister of Infrastructure |
| The Hon. Anne McLellan | Minister of Health |
| The Hon. Allan Rock | Minister of Industry |
| The Hon. Lucienne Robillard | President of the Treasury Board |
| The Hon. Martin Cauchon | Minister of Justice and Attorney General of Canada |
| The Hon. Jane Stewart | Minister of Human Resources Development |
| The Hon. Stéphane Dion | President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs |
| The Hon. Pierre Pettigrew | Minister of International Trade |
| The Hon. Don Boudria | Leader of the Government in the House of Commons |
| The Hon. Lyle Vancilief | Minister of Agriculture and Agri-Food |
| The Hon. Herb Dhaliwal | Minister of Natural Resources |
| The Hon. Claudette Bradshaw | Minister of Labour |
| The Hon. Robert Daniel Nault | Minister of Indian Affairs and Northern Development |
| The Hon. Elinor Caplan | Minister for National Revenue |
| The Hon. Denis Coderre | Minister of Citizenship and Immigration |
| The Hon. Sharon Carstairs | Leader of the Government in the Senate |
| The Hon. Robert G. Thibault | Minister of Fisheries and Oceans |
| The Hon. Rey Pagtakhan | Minister of Veterans Affairs and Secretary of State (Science, Research and Development) |
| The Hon. Susan Whelan | Minister for International Cooperation |
| The Hon. William Graham | Minister of Foreign Affairs |
| The Hon. Gerry Byrne | Minister of State (Atlantic Canada Opportunities Agency) |
| The Hon. John McCallum | Minister of National Defence |
| The Hon. Wayne Easter | Solicitor General of Canada |
| The Hon. Ethel Blondin-Andrew | Secretary of State (Children and Youth) |
| The Hon. David Kilgour | Secretary of State (Asia-Pacific) |
| The Hon. Andrew Mitchell | Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario) |
| The Hon. Maurizio Bevilacqua | Secretary of State (International Financial Institutions) |
| The Hon. Paul DeVillers | Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons |
| The Hon. Gar Knutson | Secretary of State (Central and Eastern Europe and Middle East) |
| The Hon. Denis Paradis | Secretary of State (Latin America and Africa) (Francophonie) |
| The Hon. Claude Drouin | Secretary of State (Economic Development Agency of Canada for the Regions of Quebec) |
| The Hon. Stephen Owen | Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development) |
| The Hon. Jean Augustine | Secretary of State (Multiculturalism) (Status of Women) |
| The Hon. Steve Mahoney | Secretary of State (Selected Crown Corporations) |

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 1, 2003)

| Senator | Designation | Post Office Address |
|-------------------------------------|-----------------------------|-------------------------|
| THE HONOURABLE | | |
| Herbert O. Sparrow | Saskatchewan | North Battleford, Sask. |
| Edward M. Lawson | Vancouver | Vancouver, B.C. |
| Bernard Alasdair Graham, P.C. | The Highlands | Sydney, N.S. |
| Jack Austin, P.C. | Vancouver South | Vancouver, B.C. |
| Willie Adams | Nunavut | Rankin Inlet, Nunavut |
| Lowell Murray, P.C. | Pakenham | Ottawa, Ont. |
| C. William Doody | Harbour Main-Bell Island | St. John's, Nfld. |
| Peter Alan Stollery | Bloor and Yonge | Toronto, Ont. |
| Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa, Ont. |
| E. Leo Kolber | Victoria | Westmount, Que. |
| Michael Kirby | South Shore | Halifax, N.S. |
| Jerahmiel S. Grafstein | Metro Toronto | Toronto, Ont. |
| Anne C. Cools | Toronto-Centre-York | Toronto, Ont. |
| Charlie Watt | Inkerman | Kuujuuaq, Que. |
| Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary, Alta. |
| Joyce Fairbairn, P.C. | Lethbridge | Lethbridge, Alta. |
| Colin Kenny | Rideau | Ottawa, Ont. |
| Pierre De Bané, P.C. | De la Vallière | Montreal, Que. |
| Eymard Georges Corbin | Grand-Sault | Grand-Sault, N.B. |
| Brenda Mary Robertson | Riverview | Shediac, N.B. |
| Norman K. Atkins | Markham | Toronto, Ont. |
| Ethel Cochrane | Newfoundland and Labrador | Port-au-Port, Nfld. |
| Eileen Rossiter | Prince Edward Island | Charlottetown, P.E.I. |
| Mira Spivak | Manitoba | Winnipeg, Man. |
| Roch Bolduc | Gulf | Sainte-Foy, Que. |
| Gérald-A. Beaudoin | Rigaud | Hull, Que. |
| Pat Carney, P.C. | British Columbia | Vancouver, B.C. |
| Gerald J. Comeau | Nova Scotia | Church Point, N.S. |
| Consiglio Di Nino | Ontario | Downsview, Ont. |
| Donald H. Oliver | Nova Scotia | Halifax, N.S. |
| Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton, N.B. |
| John Buchanan, P.C. | Nova Scotia | Halifax, N.S. |
| John Lynch-Staunton | Grandville | Georgeville, Que. |
| James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie, Ont. |
| J. Trevor Eyton | Ontario | Caledon, Ont. |
| Wilbert Joseph Keon | Ottawa | Ottawa, Ont. |
| Michael Arthur Meighen | St. Marys | Toronto, Ont. |
| J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth, N.S. |
| Janis G. Johnson | Winnipeg-Interlake | Gimli, Man. |
| A. Raynell Andreychuk | Regina | Regina, Sask. |
| Jean-Claude Rivest | Stadacona | Quebec, Que. |
| Terrance R. Stratton | Red River | St. Norbert, Man. |
| Marcel Prud'homme, P.C. | La Salle | Montreal, Que. |
| Leonard J. Gustafson | Saskatchewan | Macoun, Sask. |
| David Tkachuk | Saskatchewan | Saskatoon, Sask. |

| Senator | Designation | Post Office Address |
|-------------------------------|------------------------------------|-----------------------------------|
| W. David Angus | Alma | Montreal, Que. |
| Pierre Claude Nolin | De Salaberry | Quebec, Que. |
| Marjory LeBreton | Ontario | Manotick, Ont. |
| Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. |
| Lise Bacon | De la Durantaye | Laval, Que. |
| Sharon Carstairs, P.C. | Manitoba | Victoria Beach, Man. |
| Landon Pearson | Ontario | Ottawa, Ont. |
| Jean-Robert Gauthier | Ottawa-Vanier | Ottawa, Ont. |
| John G. Bryden | New Brunswick | Bayfield, N.B. |
| Rose-Marie Losier-Cool | Tracadie | Bathurst, N.B. |
| Céline Hervieux-Payette, P.C. | Bedford | Montreal, Que. |
| William H. Rompkey, P.C. | Labrador | North West River, Labrador, Nfld. |
| Lorna Milne | Peel County | Brampton, Ont. |
| Marie-P. Poulin | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. |
| Shirley Maheu | Rougemont | Saint-Laurent, Que. |
| Wilfred P. Moore | Stanhope St./Bluenose | Chester, N.S. |
| Lucie Pépin | Shawinigan | Montreal, Que. |
| Fernand Robichaud, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. |
| Catherine S. Callbeck | Prince Edward Island | Central Bedeque, P.E.I. |
| Marisa Ferretti Barth | Repentigny | Pierrefonds, Que. |
| Serge Joyal, P.C. | Kennebec | Montreal, Que. |
| Thelma J. Chalifoux | Alberta | Morinville, Alta. |
| Joan Cook | Newfoundland and Labrador | St. John's, Nfld. |
| Ross Fitzpatrick | Okanagan-Similkameen | Kelowna, B.C. |
| Francis William Mahovlich | Toronto | Toronto, Ont. |
| Richard H. Kroft | Manitoba | Winnipeg, Man. |
| Douglas James Roche | Edmonton | Edmonton, Alta. |
| Joan Thorne Fraser | De Lorimier | Montreal, Que. |
| Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue, Que. |
| Vivienne Poy | Toronto | Toronto, Ont. |
| Ione Christensen | Yukon Territory | Whitehorse, Y.T. |
| George Furey | Newfoundland and Labrador | St. John's, Nfld. |
| Nick G. Sibbeston | Northwest Territories | Fort Simpson, N.W.T. |
| Isobel Finnerty | Ontario | Burlington, Ont. |
| John Wiebe | Saskatchewan | Swift Current, Sask. |
| Tommy Banks | Alberta | Edmonton, Alta. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Raymond C. Setlakwe | The Laurentides | Thetford Mines, Que. |
| Yves Morin | Lauzon | Quebec, Que. |
| Elizabeth M. Hubley | Prince Edward Island | Kensington, P.E.I. |
| Laurier L. LaPierre | Ontario | Ottawa, Ont. |
| Viola Léger | Acadie/New Brunswick | Moncton, N.B. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Jean Lapointe | Saurel | Magog, Que. |
| Gerard A. Phalen | Nova Scotia | Glace Bay, N.S. |
| Joseph A. Day | Saint John-Kennebecasis | Hampton, N.B. |
| Michel Biron | Mille Isles | Nicolet, Que. |
| George S. Baker, P.C. | Newfoundland and Labrador | Gander, Nfld. |
| Raymond Lavigne | Montarville | Verdun, Que. |
| David P. Smith, P.C. | Cobourg | Toronto, Ont. |
| Maria Chaput | Manitoba | Sainte-Anne, Man. |
| Pana Merchant | Saskatchewan | Regina, Sask. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |

SENATORS OF CANADA

ALPHABETICAL LIST

(May 1, 2003)

| Senator | Designation | Post Office Address | Political Affiliation |
|--------------------------------------|---------------------------------|----------------------------------|-----------------------|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Lib |
| Andreychuk, A. Raynell | Regina | Regina, Sask. | PC |
| Angus, W. David | Alma | Montreal, Que. | PC |
| Atkins, Norman K. | Markham | Toronto, Ont. | PC |
| Austin, Jack, P.C. | Vancouver South | Vancouver, B.C. | Lib |
| Bacon, Lise | De la Durantaye | Laval, Que. | Lib |
| Baker, George S., P.C. | Newfoundland and Labrador | Gander Nfld. | Lib |
| Banks, Tommy | Alberta | Edmonton, Alta. | Lib |
| Beaudoin, Gerald-A. | Rigaud | Hull, Que. | PC |
| Biron, Michel | Mille Isles | Nicolet, Que. | Lib |
| Bolduc, Roch | Gulf | Sainte-Foy, Que. | PC |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Lib |
| Buchanan, John, P.C. | Halifax | Halifax, N.S. | PC |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Lib |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | PC |
| Carstairs, Sharon, P.C. | Manitoba | Victoria Beach, Man. | Lib |
| Chalifoux, Thelma J. | Alberta | Morinville, Alta. | Lib |
| Chaput, Maria | Manitoba | Sainte-Anne, Man. | Lib |
| Christensen, Ione | Yukon Territory | Whitehorse, Y.T. | Lib |
| Cochrane, Ethel | Newfoundland and Labrador | Port-au-Port, Nfld. | PC |
| Comeau, Gerald J. | Nova Scotia | Church Point, N.S. | PC |
| Cook, Joan | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Cools, Anne C. | Toronto-Centre-York | Toronto, Ont. | Lib |
| Corbin, Eymard Georges | Grand-Sault | Grand-Sault, N.B. | Lib |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Lib |
| Day, Joseph A. | Saint John-Kennebecasis | Hampton, N.B. | Lib |
| De Bané, Pierre, P.C. | De la Vallière | Montreal, Que. | Lib |
| Di Nino, Consiglio | Ontario | Downsview, Ont. | PC |
| Doody, C. William | Harbour Main-Bell Island | St. John's, Nfld. | PC |
| Eyton, J. Trevor | Ontario | Caledon, Ont. | PC |
| Fairbairn, Joyce, P.C. | Lethbridge | Lethbridge, Alta. | Lib |
| Ferretti Barth, Marisa | Repentigny | Pierrefonds, Que. | Lib |
| Finnerty, Isobel | Ontario | Burlington, Ont. | Lib |
| Fitzpatrick, Ross | Okanagan-Similkameen | Kelowna, B.C. | Lib |
| Forrestall, J. Michael | Dartmouth and the Eastern Shore | Dartmouth, N.S. | PC |
| Fraser, Joan Thorne | De Lorimier | Montreal, Que. | Lib |
| Furey, George | Newfoundland and Labrador | St. John's, Nfld. | Lib |
| Gauthier, Jean-Robert | Ottawa-Vanier | Ottawa, Ont. | Lib |
| Gill, Aurélien | Wellington | Mashteuiatsh, Pointe-Bleue, Que. | Lib |
| Grafstein, Jeremiah S. | Metro Toronto | Toronto, Ont. | Lib |
| Graham, Bernard Alasdair, P.C. | The Highlands | Sydney, N.S. | Lib |
| Gustafson Leonard J. | Saskatchewan | Macoun, Sask. | PC |
| Hays, Daniel Phillip, <i>Speaker</i> | Calgary | Calgary, Alta. | Lib |
| Hervieux-Payette, Céline, P.C. | Bedford | Montreal, Que. | Lib |
| Hubley, Elizabeth M. | Prince Edward Island | Kensington, P.E.I. | Lib |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Lib |

| Senator | Designation | Post Office Address | Political Affiliation |
|-------------------------------|------------------------------------|-----------------------------------|-----------------------|
| Johnson, Janis G. | Winnipeg-Interlake | Gimli, Man. | PC |
| Joyal, Serge, P.C. | Kennebec | Montreal, Que. | Lib |
| Kelleher, James Francis, P.C. | Ontario | Sault Ste. Marie, Ont. | PC |
| Kenny, Colin | Rideau | Ottawa, Ont. | Lib |
| Keon, Wilbert Joseph | Ottawa | Ottawa, Ont. | PC |
| Kinsella, Noël A. | Fredericton-York-Sunbury | Fredericton, N.B. | PC |
| Kirby, Michael | South Shore | Halifax, N.S. | Lib |
| Kolber, E. Leo | Victoria | Westmount, Que. | Lib |
| Kroft, Richard H. | Manitoba | Winnipeg, Man. | Lib |
| LaPierre, Laurier L. | Ontario | Ottawa, Ont. | Lib |
| Lapointe, Jean | Saurel | Magog, Que. | Lib |
| Lavigne, Raymond | Montarville | Verdun, Que. | Lib |
| Lawson, Edward M. | Vancouver | Vancouver, B.C. | Ind |
| LeBreton, Marjory | Ontario | Manotick, Ont. | PC |
| Léger, Viola | Acadie/New Brunswick | Moncton, N.B. | Lib |
| Losier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Lib |
| Lynch-Staunton, John | Grandville | Georgeville, Que. | PC |
| Maheu, Shirley | Rougemont | Saint-Laurent, Que. | Lib |
| Mahovlich, Francis William | Toronto | Toronto, Ont. | Lib |
| Meighen, Michael Arthur | St. Marys | Toronto, Ont. | PC |
| Merchant, Pana | Saskatchewan | Regina, Sask. | Lib |
| Milne, Lorna | Peel County | Brampton, Ont. | Lib |
| Moore, Wilfred P. | Stanhope St./Bluenose | Chester, N.S. | Lib |
| Morin, Yves | Lauzon | Quebec, Que. | Lib |
| Murray, Lowell, P.C. | Pakenham | Ottawa, Ont. | PC |
| Nolin, Pierre Claude | De Salaberry | Quebec, Que. | PC |
| Oliver, Donald H. | Nova Scotia | Halifax, N.S. | PC |
| Pearson, Landon | Ontario | Ottawa, Ontario | Lib |
| Pépin, Lucie | Shawinigan | Montreal, Que. | Lib |
| Phalen, Gerard A. | Nova Scotia | Glace Bay, N.S. | Lib |
| Pitfield, Peter Michael, P.C. | Ottawa-Vanier | Ottawa, Ont. | Ind |
| Poulin, Marie-P. | Nord de l'Ontario/Northern Ontario | Ottawa, Ont. | Lib |
| Poy, Vivienne | Toronto | Toronto, Ont. | Lib |
| Prud'homme, Marcel, P.C. | La Salle | Montreal, Que. | Ind |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Lib |
| Rivest, Jean-Claude | Stadacona | Quebec, Que. | PC |
| Robertson, Brenda Mary | Riverview | Shediac, N.B. | PC |
| Robichaud, Fernand, P.C. | New Brunswick | Saint-Louis-de-Kent, N.B. | Lib |
| Roche, Douglas James | Edmonton | Edmonton, Alta. | Ind |
| Rompkey, William H., P.C. | Labrador | North West River, Labrador, Nfld. | Lib |
| Rossiter, Eileen | Prince Edward Island | Charlottetown, P.E.I. | PC |
| St. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | CA |
| Setlakwe, Raymond C. | The Laurentides | Thetford Mines, Que. | Lib |
| Sibbeston, Nick G. | Northwest Territories | Fort Simpson, N.W.T. | Lib |
| Smith, David P., P.C. | Cobourg | Toronto, Ont. | Lib |
| Sparrow, Herbert O. | Saskatchewan | North Battleford, Sask. | Lib |
| Spivak, Mira | Manitoba | Winnipeg, Man. | PC |
| Stollery, Peter Alan | Bloor and Yonge | Toronto, Ont. | Lib |
| Stratton, Terrance R. | Red River | St. Norbert, Man. | PC |
| Tkachuk, David | Saskatchewan | Saskatoon, Sask. | PC |
| Watt, Charlie | Inkerman | Kuujuuaq, Que. | Lib |
| Wiebe, John | Saskatchewan | Swift Current, Sask. | Lib |

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(May 1, 2003)

ONTARIO—24

| Senator | Designation | Post Office Address |
|--------------------------------|---------------------|---------------------|
| THE HONOURABLE | | |
| 1 Lowell Murray, P.C. | Pakenham | Ottawa |
| 2 Peter Alan Stollery | Bloor and Yonge | Toronto |
| 3 Peter Michael Pitfield, P.C. | Ottawa-Vanier | Ottawa |
| 4 Jeremiah S. Grafstein | Metro Toronto | Toronto |
| 5 Anne C. Cools | Toronto-Centre-York | Toronto |
| 6 Colin Kenny | Rideau | Ottawa |
| 7 Norman K. Atkins | Markham | Toronto |
| 8 Consiglio Di Nino | Ontario | Downsview |
| 9 James Francis Kelleher, P.C. | Ontario | Sault Ste. Marie |
| 10 John Trevor Eyton | Ontario | Caledon |
| 11 Wilbert Joseph Keon | Ottawa | Ottawa |
| 12 Michael Arthur Meighen | St. Marys | Toronto |
| 13 Marjory LeBreton | Ontario | Manotick |
| 14 Landon Pearson | Ontario | Ottawa |
| 15 Jean-Robert Gauthier | Ottawa-Vanier | Ottawa |
| 16 Lorna Milne | Peel County | Brampton |
| 17 Marie-P. Poulin | Northern Ontario | Ottawa |
| 18 Francis William Mahovlich | Toronto | Toronto |
| 19 Vivienne Poy | Toronto | Toronto |
| 20 Isobel Finnerty | Ontario | Burlington |
| 21 Laurier L. LaPierre | Ontario | Ottawa |
| 22 David P. Smith, P.C. | Cobourg | Toronto |
| 23 | | |
| 24 | | |

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

| Senator | Designation | Post Office Address |
|----------------------------------|-----------------|----------------------------|
| THE HONOURABLE | | |
| 1 E. Leo Kolber | Victoria | Westmount |
| 2 Charlie Watt | Inkerman | Kuujuaq |
| 3 Pierre De Bané, P.C. | De la Vallière | Montreal |
| 4 Roch Bolduc | Gulf | Sainte-Foy |
| 5 Gérald-A. Beaudoin | Rigaud | Hull |
| 6 John Lynch-Staunton | Grandville | Georgeville |
| 7 Jean-Claude Rivest | Stadacona | Quebec |
| 8 Marcel Prud'homme, P.C. | La Salle | Montreal |
| 9 W. David Angus | Alma | Montreal |
| 10 Pierre Claude Nolin | De Salaberry | Quebec |
| 11 Lise Bacon | De la Durantaye | Laval |
| 12 Céline Hervieux-Payette, P.C. | Bedford | Montreal |
| 13 Shirley Maheu | Rougemont | Ville de Saint-Laurent |
| 14 Lucie Pépin | Shawinigan | Montreal |
| 15 Marisa Ferretti Barth | Repentigny | Pierrefonds |
| 16 Serge Joyal, P.C. | Kennebec | Montreal |
| 17 Joan Thorne Fraser | De Lorimier | Montreal |
| 18 Aurélien Gill | Wellington | Mashteuiatsh, Pointe-Bleue |
| 19 Raymond C. Setlakwe | The Laurentides | Thetford Mines |
| 20 Yves Morin | Lauzon | Quebec |
| 21 Jean Lapointe | Saurel | Magog |
| 22 Michel Biron | Milles Isles | Nicolet |
| 23 Raymond Lavigne | Montarville | Verdun |
| 24 | De Lanaudière | |

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

| Senator | Designation | Post Office Address |
|--------------------------------------|-----------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Bernard Alasdair Graham, P.C. | The Highlands | Sydney |
| 2 Michael Kirby | South Shore | Halifax |
| 3 Gerald J. Comeau | Nova Scotia | Church Point |
| 4 Donald H. Oliver | Nova Scotia | Halifax |
| 5 John Buchanan, P.C. | Halifax | Halifax |
| 6 J. Michael Forrestall | Dartmouth and Eastern Shore | Dartmouth |
| 7 Wilfred P. Moore | Stanhope St./Bluenose | Chester |
| 8 Jane Cordy | Nova Scotia | Dartmouth |
| 9 Gerard A. Phalen | Nova Scotia | Glace Bay |
| 10 ..... | ..... | ..... |

NEW BRUNSWICK—10

| Senator | Designation | Post Office Address |
|--------------------------------|--------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eymard Georges Corbin | Grand-Sault | Grand-Sault |
| 2 Brenda Mary Robertson | Riverview | Shediac |
| 3 Noël A. Kinsella | Fredericton-York-Sunbury | Fredericton |
| 4 John G. Bryden | New Brunswick | Bayfield |
| 5 Rose-Marie Losier-Cool | Tracadie | Bathurst |
| 6 Fernand Robichaud, P.C. | Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 7 Viola Léger | Acadie/New Brunswick | Moncton |
| 8 Joseph A. Day | Saint John-Kennebecasis | Hampton |
| 9 Pierrette Ringuette | New Brunswick | Edmundston |
| 10 ..... | ..... | ..... |

PRINCE EDWARD ISLAND—4

| Senator | Designation | Post Office Address |
|-------------------------------|----------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Eileen Rossiter | Prince Edward Island | Charlottetown |
| 2 Catherine S. Callbeck | Prince Edward Island | Central Bedeque |
| 3 Elizabeth M. Hubley | Prince Edward Island | Kensington |
| 4 ..... | ..... | ..... |

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

| Senator | Designation | Post Office Address |
|----------------------------------|------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Mira Spivak | Manitoba | Winnipeg |
| 2 Janis G. Johnson | Winnipeg-Interlake | Gimli |
| 3 Terrance R. Stratton | Red River | St. Norbert |
| 4 Sharon Carstairs, P.C. | Manitoba | Victoria Beach |
| 5 Richard H. Kroft | Manitoba | Winnipeg |
| 6 Maria Chaput | Manitoba | Sainte-Anne |

BRITISH COLUMBIA—6

| Senator | Designation | Post Office Address |
|-----------------------------------|--------------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Edward M. Lawson | Vancouver | Vancouver |
| 2 Jack Austin, P.C. | Vancouver South | Vancouver |
| 3 Pat Carney, P.C. | British Columbia | Vancouver |
| 4 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge |
| 5 Ross Fitzpatrick | Okanagan-Similkameen | Kelowna |
| 6 Mobina S.B. Jaffer | British Columbia | North Vancouver |

SASKATCHEWAN—6

| Senator | Designation | Post Office Address |
|-----------------------------------|------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Herbert O. Sparrow | Saskatchewan | North Battleford |
| 2 A. Raynell Andreychuk | Regina | Regina |
| 3 Leonard J. Gustafson | Saskatchewan | Macoun |
| 4 David Tkachuk | Saskatchewan | Saskatoon |
| 5 John Wiebe | Saskatchewan | Swift Current |
| 6 Pana Merchant | Saskatchewan | Regina |

ALBERTA—6

| Senator | Designation | Post Office Address |
|---|----------------------|---------------------|
| THE HONOURABLE | | |
| 1 Daniel Phillip Hays, <i>Speaker</i> | Calgary | Calgary |
| 2 Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 Thelma J. Chalifoux | Alberta | Morinville |
| 4 Douglas James Roche | Edmonton | Edmonton |
| 5 Tommy Banks | Alberta | Edmonton |
| 6 | | |

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

| Senator | Designation | Post Office Address |
|------------------------------------|-------------------------------------|----------------------------|
| THE HONOURABLE | | |
| 1 C. William Doody | Harbour Main-Bell Island | St. John's |
| 2 Ethel Cochrane | Newfoundland and Labrador | Port-au-Port |
| 3 William H. Rompkey, P.C. | Labrador | North West River, Labrador |
| 4 Joan Cook | Newfoundland and Labrador | St. John's |
| 5 George Furey | Newfoundland and Labrador | St. John's |
| 6 George S. Baker, P.C. | Newfoundland and Labrador | Gander |

NORTHWEST TERRITORIES—1

| Senator | Designation | Post Office Address |
|-------------------------------|---------------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson |

NUNAVUT—1

| Senator | Designation | Post Office Address |
|--------------------------|-------------------|---------------------|
| THE HONOURABLE | | |
| 1 Willie Adams | Nunavut | Rankin Inlet |

YUKON TERRITORY—1

| Senator | Designation | Post Office Address |
|------------------------------|---------------------------|---------------------|
| THE HONOURABLE | | |
| 1 Ione Christensen | Yukon Territory | Whitehorse |

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 1, 2003)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

| | | | |
|----------------|------------|-------------------|--------------|
| Banks, | Chalifoux, | Léger, | Sibbeston, |
| Carney, | Chaput, | * Lynch-Staunton, | St. Germain, |
| * Carstairs, | Gill, | (or Kinsella) | Tkachuk. |
| (or Robichaud) | Johnson, | Pearson, | |

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

| | | | |
|----------------|------------|-------------------|------------|
| * Carstairs, | Fairbairn, | LeBreton, | Ringuette, |
| (or Robichaud) | Gustafson, | * Lynch-Staunton, | Tkachuk, |
| Chalifoux, | Hubley, | (or Kinsella) | Wiebe. |
| Day, | LaPierre, | Oliver, | |

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

| | | | |
|----------------|-------------------|-------------------|-------------|
| Angus, | Hervieux-Payette, | * Lynch-Staunton, | Moore, |
| Biron, | Hubley, | (or Kinsella) | Oliver, |
| * Carstairs, | Kolber, | Meighen | Prud'homme, |
| (or Robichaud) | Kroft, | Merchant, | Tkachuk. |

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

| | | | |
|----------------|--------------|-------------------|---------|
| Baker, | Christensen, | Kenny, | Milne, |
| Banks, | Cochrane, | * Lynch-Staunton, | Spivak, |
| Buchanan, | Eyton, | (or Kinsella) | Watt. |
| * Carstairs, | Finnerty, | Merchant, | |
| (or Robichaud) | | | |

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES AND OCEANS

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

| | | | |
|----------------|-----------|-------------------|----------|
| Adams, | Cochrane, | Johnson, | Meighen, |
| Baker, | Comeau, | * Lynch-Staunton, | Phalen, |
| * Carstairs, | Cook, | (or Kinsella) | Watt. |
| (or Robichaud) | Hubley, | Mahovlich, | |

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

| | | | |
|-------------|----------------|--------------|-------------------|
| Andreychuk, | * Carstairs, | Di Nino, | * Lynch-Staunton, |
| Austin, | (or Robichaud) | Grafstein, | (or Kinsella) |
| Bolduc, | Corbin, | Graham, | Setlakwe, |
| Carney, | De Bané, | Losier-Cool, | Stollery. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

Honourable Senators:

| | | | |
|----------------|-----------------|-------------------|---------|
| Beaudoin, | Ferretti Barth, | Kinsella, | Maheu, |
| Carstairs, | Jaffer, | * Lynch-Staunton, | Poy, |
| (or Robichaud) | LaPierre, | (or Kinsella) | Rivest. |
| Chaput, | | | |

Original Members as nominated by the Committee of Selection

*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,
Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Interim Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|---------|----------------|-------------------|------------|
| Atkins, | * Carstairs, | Gill, | Poulin, |
| Austin, | (or Robichaud) | Jaffer, | Robertson, |
| Bacon, | De Bané, | Kroft, | Robichaud, |
| Bolduc, | Eyton, | * Lynch-Staunton, | Stratton. |
| Bryden, | Gauthier, | (or Kinsella) | |

Original Members as nominated by the Committee of Selection

*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,
Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

| | | | |
|-------------|----------------|---------|-------------------|
| Andreychuk, | Buchanan | Corbin, | * Lynch-Staunton, |
| Baker, | * Carstairs, | Furey, | (or Kinsella) |
| Beaudoin, | (or Robichaud) | Jaffer, | Nolin, |
| Bryden, | Cools, | Joyal, | Pearson. |

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey,
Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

| | | | |
|-------------|-----------|--------|------|
| Bolduc, | Lapointe, | Morin, | Poy. |
| Forrestall, | | | |

*Original Members agreed to by Motion of the Senate**Bolduc, Forrestall, Lapointe, Morin, Poy.*

NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

| | | | |
|----------------|-----------------|-------------------|------------|
| Biron, | Comeau, | Furey, | Maheu, |
| Bolduc, | Day, | Gauthier, | Mahovlich, |
| * Carstairs, | Ferretti Barth, | * Lynch-Staunton, | Murray, |
| (or Robichaud) | Finnerty, | (or Kinsella) | Oliver. |

*Original Members as nominated by the Committee of Selection**Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty, Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

| | | | |
|----------------|-------------|-------------------|----------|
| Atkins, | Cordy, | Kenny, | Meighen, |
| Banks, | Day, | * Lynch-Staunton, | Smith, |
| * Carstairs, | Forrestall, | (or Kinsella) | Wiebe. |
| (or Robichaud) | | | |

*Original Members as nominated by the Committee of Selection**Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS
(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen Deputy Chair: Honourable Senator Day

Honourable Senators:

| | | | |
|----------------|--------|-------------------|----------|
| Atkins, | Day, | * Lynch-Staunton, | Meighen, |
| Carstairs, | Kenny, | (or Kinsella) | Wiebe. |
| (or Robichaud) | | | |

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool Deputy Chair: Honourable Senator Keon

Honourable Senators:

| | | | |
|----------------|-----------|--------------|-------------------|
| Beaudoin, | Comeau, | Lapointe, | * Lynch-Staunton, |
| * Carstairs, | Gauthier, | Léger, | (or Kinsella) |
| (or Robichaud) | Keon, | Losier-Cool, | Maheu. |
| Chaput, | | | |

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

| | | | |
|----------------|-------------------|------------|-----------|
| Andreychuk, | Grafstein, | Milne, | Rompkey, |
| * Carstairs, | Hubley, | Murray, | Smith, |
| (or Robichaud) | Joyal, | Pépin, | Stratton, |
| Di Nino, | * Lynch-Staunton, | Ringuette, | Wiebe. |
| Fraser, | (or Kinsella) | Robertson, | |

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Hervieux-Payette

Vice-Chair:

Honourable Senators:

| | | | |
|---------|-------------------|-----------|---------|
| Biron, | Hervieux-Payette, | Merchant, | Nolin, |
| Chaput, | Kelleher, | Moore, | Phalen. |

Original Members as agreed to by Motion of the Senate

Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.

SELECTION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Stratton

Honourable Senators:

| | | | |
|----------------|------------|-------------------|-----------|
| Biron, | De Bané, | Kolber, | Rompkey, |
| * Carstairs, | Fairbairn, | LeBreton, | Stratton, |
| (or Robichaud) | Kinsella, | * Lynch-Staunton, | Tkachuk. |
| | | (or Kinsella) | |

Original Members agreed to by Motion of the Senate

*Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

| | | | |
|----------------|------------|-------------------|------------|
| * Carstairs, | Fairbairn, | LeBreton, | Morin, |
| (or Robichaud) | Keon, | Léger, | Pépin, |
| Cook, | Kinsella, | * Lynch-Staunton, | Robertson, |
| Cordy, | Kirby, | (or Kinsella) | Roche. |

Original Members as nominated by the Committee of Selection

*Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

| | | | |
|----------------|---------|-------------------|------------|
| Adams, | Day, | Gustafson, | Merchant, |
| Atkins, | Eyton, | LaPierre, | Oliver, |
| Carstairs, | Fraser, | * Lynch-Staunton, | Phalen, |
| (or Robichaud) | Graham, | (or Kinsella) | Ringuette. |

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre,*Lynch-Staunton (or Kinsella), Phalen, Spivak.*

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)

Thursday, May 1, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | 03/04/29 | 0 | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|---|----------|---------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | 03/04/03 | Energy, the Environment and Natural Resources | 03/05/01 | 0 | | | |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | 03/04/01 | 03/04/03 | 5/03 |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | 03/04/02 | Aboriginal Peoples | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | divided | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | — | — | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|--|-----------------|----------|-------|
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | — | — | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | 03/04/03 | Rules, Procedures and the Rights of Parliament | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | — | — | — | 02/12/11 | 02/12/12 | 27/02 |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|----------|-------|-----------------|----------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | 03/04/02 | 0 | 03/04/03 | 03/04/03 | 6/03 |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|----------------------------------|--------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrestall) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | 03/04/02 | | |
| S-9 | An Act to honour Louis Riel and the Métis People (Sen. Chalfoux) | 02/10/23 | | | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | | | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |
| S-15 | An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools) | 03/02/13 | | | | | | | |
| S-16 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver) | 03/03/18 | | | | | | | |
| S-17 | An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc) | 03/03/25 | | | | | | | |
| S-18 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 03/04/02 | | | | | | | |

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[illegible]

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CANADA

Debates of the Senate

2nd SESSION

•

37th PARLIAMENT

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—
**THE HONOURABLE DAN HAYS
SPEAKER**



CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I ask that the following corrections be made under answers to Order Paper questions tabled.

On page 1210 of the French, delete the number 53 under the heading "Atlantic Canada Opportunities Agency—Alternative Fuels Act" and add it under the heading "Canadian International Development Agency—Alternative Fuels Act."

On page 1210 of the English, delete the number 41 under the heading "Atlantic Canada Opportunities Agency—Alternative Fuels Act" and replace it with the number 51.

Delete the number 53 under the heading "Atlantic Canada Opportunities Agency—Alternative Fuels Act" and add it under the heading "Canadian International Development Agency—Alternative Fuels Act."

It should be noted that the French and English versions of the *Journals of the Senate* are correct.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

THE SENATE

Tuesday, May 6, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL HOSPICE PALLIATIVE CARE WEEK

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, May 5 to May 11 marks National Hospice Palliative Care Week in Canada. This annual event is a time to raise awareness about palliative care issues, but it is also a time for all of us to stop and personally reflect about the way in which we, as Canadians, face the end of our lives. Quality end-of-life care is an important issue for Canadians. As Minister with Special Responsibility for Palliative Care, I do my best to ensure that every Canadian has a right to a quality end of life.

This year, in particular, I am so proud to celebrate National Hospice Palliative Care Week because the Government of Canada, together with our key partners, has achieved a great deal. For the first time, loved ones taking time off work to care for the dying will be entitled to compassionate care leave under Canada's Employment Insurance Program. I consider that a remarkable achievement.

This morning at a special breakfast in the Senate foyer, some of us gathered to celebrate our success in improving the quality and availability of palliative care for Canadians.

Caring for a loved one at the end of life is never easy; Yet, every day, thousands of caregivers across this country give generously to offer care and comfort to those facing the end of their lives.

I ask honourable senators to join me in congratulating and thanking these very special people who quietly and bravely provide dignity and support to the dying. Quality palliative care would simply not be possible without the countless volunteers, health professionals and community workers who, every day, contribute to our high level of palliative care.

This year, almost 10,000 volunteers and participants gave to palliative care in a different way. They took part in the first-ever national fundraiser for hospice palliative care. The Hike for Hospice was held on Sunday in 78 different communities across Canada, and I was pleased to walk with them in Winnipeg. The walk raised awareness and close to \$300,000 for hospice palliative care. I congratulate everyone who donned walking shoes to Hike for Hospice. I am sure this event will continue well into the future.

SIXTIETH ANNIVERSARY OF BATTLE OF THE ATLANTIC

Hon. Donald H. Oliver: Honourable senators, the sun came out Sunday morning at Sailors' Memorial at Point Pleasant Park in Halifax to shine on the ceremonies marking the sixtieth anniversary of the Battle of the Atlantic. At a colourful ceremony, rows of uniformed veterans paid tribute to the Canadians who lost their lives during the battle.

The Battle of the Atlantic was the longest and, arguably, the most critical campaign of the Second World War. From the beginning of the war in September 1939 until its end in May 1945, Canadian sailors and merchant seamen endured raging storms, pack ice, bitter cold and the dense darkness of the North Atlantic nights in an attempt to deliver supplies to England.

In 1943, the Allies managed to turn the tide against the German submarine fleet and take control of the Atlantic sea lanes. Canadian ships sank 27 enemy submarines and sank, captured or destroyed 42 enemy ships. During the war, merchant ships carried 182 million tons of cargo to the United Kingdom under Canadian escort. Some 90,000 tons of war supplies passed daily toward the battlefields in Europe.

Dozens of wreaths were laid in remembrance of the more than 900 aircrew killed during the Battle of the Atlantic. Between 1939 and 1945, over 1,700 navy personnel lost their lives due to enemy action. A moving moment at the ceremony was when a wreath was laid by 93-year-old retired Rear Admiral Desmond Piers of Chester. The commemorative ceremony in Halifax was attended by hundreds and consisted of prayer readings and the battle's Last Post roll calls of the HMC ships and the Canadian merchant ships.

Honourable senators, Nova Scotia's role in the protection of Canada during World War II was significant. Nova Scotia's 580-kilometre long peninsula is surrounded by water. With an area of 55,000 square kilometres and average width of 128 kilometres, no part of the province is far from the sea. Canadian Forces service people monitored messages transmitted by German boats in the Atlantic Ocean and detected their location based on the signal. Without such monitoring services, Canada would not have been secured during the Second World War.

The Second World War also emphasized the importance of Halifax, Nova Scotia's capital, as one of the world's major military ports. Halifax was the marshalling point for ships crossing the North Atlantic in convoys during World War II.

Honourable senators, as the sun set Sunday evening, I was reminded of the day's events. The importance of Halifax during the war, like the soldiers who lost their lives, will not be forgotten.

• (1410)

MULTIPLE SCLEROSIS AWARENESS MONTH

Hon. Catherine S. Callbeck: Honourable senators, I rise today to draw your attention to the fact that this month is Multiple Sclerosis Awareness Month.

Multiple sclerosis is a disease of the central nervous system that can be very disabling. It is among the most common of neurological diseases in Canada, with more than three people being diagnosed with the disease each day — women developing the disease twice as often as men. MS can lead to a loss of balance, impaired speech, impaired vision, paralysis and extreme fatigue.

The causes of this disease are not yet known. However, researchers are learning more about the disease every day. There are some medications that have been approved in Canada to help decrease the frequency and severity of MS attacks. Researchers working with the MS Society are working on six areas: repairing and growing myelin, a protective covering of the brain and spinal cord that is attacked by MS; the immune system; virus research; genetics; MRI studies; and health research. Together, this research is aimed at understanding the disease, looking for a cure, and helping people diagnosed with MS to cope with the disease.

I would like to congratulate the MS Society of Canada and all the volunteers for their hard work. This society was founded by volunteers and is maintained by the dedication of approximately 13,500 volunteers across the country. Last year, during the annual carnation campaign, volunteers sold \$1-million worth of carnations to support MS research. Volunteers are also crucial to service and support activities that help people with MS to manage and cope with the disease.

I would also like to thank all of those who have supported MS research. I am sure that this year's carnation campaign, being held on Mother's Day weekend, will be as successful as last year's and will help to bring us closer to understanding and treating this disease.

[Translation]

NEW BRUNSWICK

RECENT EVENTS IN ACADIAN COMMUNITY

Hon. Rose-Marie Losier-Cool: Honourable senators, living in a democratic country such as Canada, with the right to express our joys and sorrows, enables us to constantly question our true values. This is the situation today for the residents of the Acadian peninsula and the entire province of New Brunswick. On Sunday April 20, a young Acadian named Wilfred LeBouthillier filled all Acadians with pride, as he performed before four million television viewers all over the country.

With his talent, perseverance and naturalness, Wilfred has been a fabulous ambassador for Acadia.

[English]

Honourable senators, this morning's *The Globe and Mail*, May 6, presents Wilfred LeBouthillier as an Acadian idol. He was crowned champion of *Star Académie*, Quebec television's hit version of American Idol. Quoting *The Globe and Mail*:

Hysterical fans literally kiss the pavement in front of his family's house.

It is true.

[Translation]

Sceptics may say that it is just a big media operation for seeking votes, but to quote our colleague, artist Viola Léger, charisma and talent cannot be bought at any price. Wilfred is an example of this.

Unfortunately, two weeks later, on May 2 and 3, the same Acadian peninsula was reeling with shock and dismay at the fires and damage in Shippagan. We must all speak out loud and clear against such acts of violence.

Premier Bernard Lord has done so, saying that such actions are unacceptable and that there is absolutely no justification for such behaviour.

Yesterday evening I was pleased to see Mr. Noël, the president of the traditional fishers association — those responsible for distributing the quotas — telling Radio-Canada's Stéphan Bureau that his association opposed such violence.

So, the pride, joy and euphoria stirred up by Wilfredmania has been replaced by a storm of violence and destruction. Historically, Acadians are not a violent people. Senator Robichaud has said: "We were deported in 1755, and we did not react with violence."

In closing, I would like to quote Serge Roussel, Dean of the Faculty of Law at the University of Moncton, who wrote, in the *Acadie Nouvelle*:

In no way must we condone and accept, in a country such as ours, the use of violence and arson to demonstrate and express frustration and anger.

However, the images of these events are hardly enviable; those of Wilfred better represent us.

Honourable senators, I would invite you all to come to visit Acadia, to witness for yourselves the joy, spirit and hospitality of the Acadian people.

ONTARIO

TVONTARIO—AVAILABILITY OF FRENCH LANGUAGE PROGRAMMING

Hon. Jean-Robert Gauthier: Honourable senators, there are two educational television channels in Ontario: TVO, the English channel, and TFO, the French.

Until recently, *Signal*, the bilingual, bi-monthly television guide, gave programming information for both educational channels.

Recently, without notice, TVOntario started distributing *Signal* in English only. This decision to publish only in one official language surprised a great many television viewers.

The real reasons for separating the English and French schedules was not made public. Neither members of the TFO board, nor francophones or francophiles, of which there are many in Ontario, were given advance notice of this change. For some subscribers, this decision is unacceptable and is a step backward for Franco-Ontarians. I would even go so far as to say that this administrative decision is divisive for the linguistic communities.

In a letter addressed to Ms. Bassett, CEO of TVO/TFO, I asked her to reverse the decision and set things right by publishing *Signal* in both official languages again. If the decision was made for financial reasons, Ms. Bassett was given poor advice, and I ask her to reconsider.

Ontario is home to 1,319,715 bilingual people. Whether their names are Gauthier, Smith, Lesley, Tranchemontagne or Fraser is of no importance; the names do not indicate the language they use every day or the educational television they watch in Ontario. Educational television is for both anglophones and francophones.

In my letter, I told Ms. Bassett that if she intended to separate the management of TVO and TFO, many people would support her. People have been saying for a long time that educational television ought to be managed by the French-language community. If she really wants to separate the two networks, she is on the right track.

Educational television is an educational institution just like a school, a college or a university. Perhaps it is time to ask the courts for an interpretation and to transfer this right to the francophone community. The anglophone majority manages educational television in Ontario at present. Perhaps they want to change the system — we shall see.

[English]

ROUTINE PROCEEDINGS

STUDY ON THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT

NOTICE OF MOTION TO AUTHORIZE BANKING, TRADE AND COMMERCE COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. E. Leo Kolber: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study of the administration and operation of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, which was authorized by the Senate on October 29, 2002, be extended to Thursday, December 18, 2003.

• (1420)

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, once again, I have the honour to present a petition bearing 431 signatures from Canadians in the Province of B.C., including the municipalities of Maple Ridge, Quesnel, Campbell River, Prince Rupert, Nanaimo, Port Coquitlam; Canadians in the Province of Ontario, including the city of Toronto and the municipalities of Don Mills, Unionville, Bracebridge, Newmarket, Peterborough and Milton; and Canadians in the Province of Nova Scotia, including city of Halifax and the municipalities of Trenton and New Glasgow. These people who signed this petition are researching their ancestry.

As well, I have signatures from 69 people from the United States and one from the United Kingdom who are researching their Canadian roots. A total of 501 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the Public, after a reasonable period of time, of Post 1901 Census reports starting with the 1906 Census.

I have now presented petitions with 20,987 signatures to this Thirty-seventh Parliament and petitions with over 6,000 to the Thirty-sixth Parliament, all calling for immediate action on this important piece of Canadian history, which, I hope, we can soon give them.

Some Hon. Senators: Hear, hear!

QUESTION PERIOD

FISHERIES AND OCEANS

SHIPPAGAN, NEW BRUNSWICK— REDUCTION IN SNOW CRAB QUOTAS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. Canadians have recently learned from Minister Copps that some of her cabinet colleagues go missing in action when their ministry is facing a crisis.

In the aftermath of the violence in Shippagan, New Brunswick, due to the decision of the Minister of Fisheries to reduce snow crab quotas, when will the Minister of Fisheries go to Shippagan or, like other Paul Martin ministers, will he choose to be absent from the action?

[Senator Gauthier]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not accept any of the preamble of the honourable senator's question.

However, my understanding is that the Minister of Fisheries and Oceans is quite prepared to meet with fishers in the crab industry later this week.

Senator Kinsella: Honourable senators, can the Leader of the Government tell the house, then, why the Minister of Fisheries and Oceans reduced the total allowable catch for the snow crab fisheries in New Brunswick by 5,000 metric tonnes after he failed to reach an agreement with the fishers? What factors were taken into account when he made that decision?

Senator Carstairs: Honourable senators, first, let us be clear as to what this is. It is a quota reduction. It is certainly not a fisheries shut down, which, unfortunately, had to happen with respect to the cod fishery.

The minister is acting in the manner in which he is because the issue of conservation is paramount and it is absolutely critical that the Minister of Fisheries and Oceans protect crab as a stock. It is a valuable stock not only for the Province of New Brunswick but also for the Provinces of Quebec, Nova Scotia and Prince Edward Island. The value of this stock must be protected to the very best of the department's ability.

Senator Kinsella: Honourable senators, what is disturbing in this file is that, after extreme violence in Shippagan, the Minister of Fisheries is musing about amending his earlier decision by increasing the quotas from 3,000 or 4,000 metric tonnes, almost a complete reversal of his decision to reduce the fishery quota this year by 5,000 metric tonnes and, as I understand it, for the good reasons that the minister in this house has indicated, namely, ecological reasons.

The question must then be asked: If the minister is so musing, has he considered the repercussions of such a decision that he has already made to the ecology and the politics in that area, or must one conclude that the Minister of Fisheries' earlier decision to reduce the fishery was ill-conceived or that he is buckling under the pressure of the use of violence as a tool for negotiation?

Senator Carstairs: Honourable senators, the operable and most important issue to keep in mind is co-management and the need to reach a co-management agreement in which not only the Department of Fisheries is involved in managing the crab stocks but so, too, are the fishers themselves. That has not been achieved, and that must be achieved if we are to protect this valuable resource.

Senator Kinsella: Honourable senators, I trust, then, that the minister and his officials are sticking to the ecological goals of fishery management and are not being motivated by the violence that we have seen.

In light of the violence that occurred in relation to the cod stock, why was the minister not suitably prepared so that the violence that we saw in Shippagan would not have taken place?

Where was the minister? We continue to ask that question. Why did he not ensure that precautions would be taken, knowing, as anyone would have known, that such an eventuality might present itself? Furthermore, given the loss of property that we have seen, will the minister go to Shippagan?

Senator Carstairs: Honourable senators, as the honourable senator indicated, there were a violent series of activities. Interestingly enough, my information indicates that the minister had discussions with the fishers and the fisher organizations. They indicated that they were unhappy with a reduction in quota but they also indicated that they did not believe that any overt action would be taken, and certainly no violent action.

Honourable senators, I want to comment on the role of the RCMP in this matter. RCMP officers who found themselves quite overwhelmed by this incident, acted with great calm and great maturity in maintaining as their primary concern, as always it must be, the protection of human life.

Senator Kinsella: Honourable senators will be pleased to know that, in the Province of New Brunswick, Premier Lord has two provincial cabinet ministers in the Acadian peninsula today, just as Premier Eves of Ontario had his Minister of Health go to Geneva to meet with officials of the WHO. Conversely, it seems that this government's ministers go into hiding when a crisis has to be faced.

Senator Carstairs: Honourable senators, that is quite wrong. The minister has not gone into hiding. The minister has been working with his officials and with the fishers in the community in order to provide calm. I do not think it would be wise at this time to have a meeting unless we know that appropriate controls are in place so that the meeting can be a fruitful one.

Hon. Gerald J. Comeau: Honourable senators, in response to Senator Kinsella's first question, the minister stated that this 5,000-ton reduction of quota was a conservation measure. Later on, she mentioned the issue of co-management. Do I understand correctly that the reduction of the original TAC by 5,000 tons was a tactic by the department to entice the fishermen to come to the table so that, at that point, the total allowable catch could be raised by that 5,000 tons?

Senator Carstairs: Honourable senators, the issue is one of co-management. There is no question that the minister would like the crab stocks to be a co-managed resource. He thinks it is critical for the industry. He believes that, if they can reach a co-management agreement, there may be an opportunity to increase the amount of quota. However, it would very much depend on the willingness of all the fishers, be they inland or offshore, to fully participate in the co-management of this resource.

Senator Comeau: My understanding — and I am not as familiar with the management regime in the Shippagan area as probably I would want to be — is that a co-management regime has been in place in that area for quite a number of years whereby the crab fishermen pay for most of the science that the department was unwilling to contribute towards.

• (1430)

There was, in fact, a co-management system. Is it a tactic of the government, then, to reduce the TAC to get more of what the department wants from the crab fishermen? Is this a new tactic? This is the first time I have heard about it.

Senator Carstairs: Honourable senators, the purpose of any co-management agreement is exactly the same as reducing quota. It is meant to ensure that there is adequate crab available to the fishers not just this year or next year but well into the future. This is an extremely valuable resource. The cod fishers, frankly, would only wish to have the kind of incomes obtainable by those who fish for crab. However, that income will not be sustainable unless supply is managed properly, and co-management is absolutely critical.

Senator Comeau: Honourable senators, I still have difficulty understanding. I am trying to get to the nature of the problem. I understand the concept of co-management. The department, along with fishermen, implements a system of control and conservation measures. What I do not understand is the new tactic of reducing the TAC so the department can get what it wants. I understood that the crab fishermen in that area were fishing to quota, not going over quota, and that they were in fact meeting all conservation measures.

What is the department trying to get from the crab fishermen? As far as I know, the goal was certainly not to increase conservation measures, nor to exact conservation ethics out of the crab fishermen.

Senator Carstairs: To the best of my knowledge, honourable senators, the purpose of this initiative is to get a co-management agreement, which does not exist at this point. That is what they are doing. The past agreement, to which the honourable senator has alluded, has now expired. It must be re-achieved to ensure that appropriate conservation measures are taken.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— E-MAIL FROM AMBASSADOR TO FRANCE TO OFFICIALS IN PRIME MINISTER'S OFFICE REGARDING EUROCOPTER

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government of the Senate on the subject of maritime helicopters.

I have a document acquired under the Access to Information Act, an e-mail from Raymond Chrétien, Ambassador to France, sent to the PMO's Jean Pelletier and Eddie Goldenberg, to PCO's Mel Cappe and to then-Deputy Prime Minister Herb Gray, dated April 3, 2001. That is a couple of years ago. The e-mail outlines three changes that Eurocopter required to compete for the Maritime Helicopter Project. The e-mail ends with this sentence:

This is a tremendously important file from both the commercial and political perspectives.

Can the Leader of the Government tell us why the Ambassador to France, a nephew of the Prime Minister, would write about Eurocopter's concerns to the Prime Minister's key aides and political advisers in the PMO, the PCO and cabinet and yet not write to Public Works nor to Treasury Board nor to the Department of National Defence? Why would Raymond Chrétien involve the PMO and the PCO? Was he under direction?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, I do not know. I suspect the honourable senator did not think I would have an answer about an e-mail that I have never seen. I will take the question as notice and try to obtain the information requested with as much speed as I can.

Senator Forrestall: Honourable senators, I have two brief supplementary questions.

On the document, there is a minute address to André Juneau and François Guimont that asks if Eurocopter's concerns are true and, if so, why was their number three concern not picked up in the Letter of Interest process. That is signed, I believe, by Mel Cappe. Can the leader tell us why the former Clerk of the Privy Council Office has his hands all over this file?

Senator Carstairs: Honourable senators, no, I cannot give an explanation for that today. As with the earlier question, I will take it as notice and do my best to obtain the answer that the honourable senator desires.

Senator Forrestall: Honourable senators, I assume that the Leader of the Government, who was a member of the government at the time, may not know the answer to my next question either. Can she tell us why it is that Raymond Chrétien referred to the Maritime Helicopter Project as a "tremendously important file from...political perspectives."

Senator Carstairs: Honourable senators, I will not try to interpret the words of Raymond Chrétien, the Ambassador to France and an individual with great expertise. Mr. Chrétien has been a very professional bureaucrat within the Department of Foreign Affairs for a number of years. I think the best thing to do is to ask for that information to be provided to the honourable senator.

REPLACEMENT OF SEA KING HELICOPTERS— CHANGES TO OPERATIONAL AND MISSION REQUIREMENTS TO ACCOMMODATE EUROCOPTER

Hon. J. Michael Forrestall: Honourable senators, this is my final question. I am sure the minister can cope with this one. It has to do with her constant reminder to me that the operational requirements have not changed in spite of changes being made in the configuration and capability of the aircraft under a variety of circumstances, and in spite of my insisting that it is not the operational requirement changes but the mission requirements that have changed. Would the minister now be in a position to indicate to me whether changes reflecting the mission requirement, if not the operational requirement, not just of Eurocopter but of industry generally, were or were not made?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me be clear. I will read this once again. I know I have read this before, but I do so again because I think it is important to do so: The Maritime Helicopter Requirement Specifications, MHRS, which are the detailed technical specifications for the maritime helicopter, continue to be governed by the principles established in the Statement of Operational Requirements. Changes to the technical specifications were the result of an unprecedented level of open and transparent dialogue with industry and stakeholders. The authors of the Statement of Operational Requirements reviewed all of the changes that were made to the technical specifications and were comfortable with those changes. They believe that the technical specifications conform completely with the Statement of Operational Requirements.

Senator Forrestall: Honourable senators, the operational requirement, as we pointed out many times, calls for a vehicle capable of hovering after the loss of one engine. The Eurocopter has two engines and cannot — I repeat, cannot — hover at the level required under the Statement of Operational Requirements for the period of time required. Interestingly enough, the Cormorant and the Sikorsky are three-engine and two-engine aircraft respectively. The loss of one engine would leave them with one, enabling them to operate.

Senator Carstairs: The honourable senator has clearly made up his mind which helicopter he thinks would best address the needs of the Canadian military. That is his right as a member of this chamber. However —

Senator Forrestall: Answer the question.

Senator Carstairs: — I believe it is not only the right but the responsibility of the Government of Canada to get the very best helicopter for the armed services of this country.

• (1440)

Senator Forrestall: Honourable senators, it is also the duty and obligation of the Government of Canada to be open, honest, frank and transparent to the taxpayers of this country about the shenanigans that have been happening with respect to this contract. I suggest the leader read carefully the e-mail from which I quoted a few moments ago. We will have another go at this tomorrow.

Senator Carstairs: With the greatest respect to the honourable senator, it is hard to be more open, transparent and honest than to put everything on the Web site.

CITIZENSHIP AND IMMIGRATION

TRACKING OF FAILED REFUGEE CLAIMANTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It deals with immigration matters. The recent Auditor General's report stated that the Department of Citizenship and Immigration has been very slow to remove people from Canada who have been deemed

or found to be inadmissible. As a result, over the last six years, the federal government has lost track of about 36,000 failed refugee claimants. In addition, 50,000 claimants are waiting for hearings, and it is expected that some of them may also go missing as they wait as long as two years to be processed.

The Auditor General has called this situation a "national security risk." My question for the Leader of the Government in the Senate is: Will additional resources be allocated to the department in order to enforce the removal of claimants considered inadmissible to Canada?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator knows that additional funds were made available in the budget to the Department of Citizenship and Immigration. Use of those funds, hopefully, will result in speeding up files that the honourable senator has addressed.

BANK OF CANADA

PROCUREMENT POLICY—SOLE SOURCE CONTRACTS

Hon. W. David Angus: Honourable senators, we learned yesterday from a report dated December 4, 2002, obtained by a national newspaper under the Access to Information Act, that the Bank of Canada has broken its internal financial rules by sole source awarding of consulting contracts to McKinsey & Company and to an arm of KPMG Consulting, having a total value of \$4.3 million, rather than seeking competing bids as per the bank's internal policies.

Honourable senators, perhaps the information that I will request is not readily available at the present time. However, I would like to ask the government leader in the Senate to please, now or later, provide details as to the nature of these contracts, the process followed in granting them, the method of billing and what the Bank of Canada is doing to assure Canadians that such troublesome gaffes will not occur again?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator is well aware, the Bank of Canada is an arm's-length body from the Government of Canada. I would suggest that the best source for that information would be the Governor of the Bank of Canada, and that those questions be put to him the next time he appears before the Standing Senate Committee on Banking, Trade and Commerce, of which the honourable senator is a member.

Senator Angus: Honourable senators, you may be sure that these questions will be put to the Governor of the Bank of Canada at his next appearance. Unfortunately, he appeared only last week and did not tell us anything about these matters.

The bank's internal rules require that any contract valued at more than \$100,000 must be put to tender, except under special circumstances. Since these embarrassing incidents involving McKinsey and KPMG for contracts in excess of \$100,000 in value, it has been proposed that the bank's procurement policy be changed, lowering the requirement of tendered contracts from \$100,000 to \$5,000.

This proposal, apparently, will be voted by the bank's board of directors, who are not appointed by the Governor of the Bank of Canada, later this week. Can the Leader of the Government please assure honourable senators that these directors will vote in favour of these improved new rules and also assure us that the bank will adhere to its own rules in future?

Senator Carstairs: Honourable senators, I would certainly hope that they would adhere to their own rules. However, it is unrealistic to ask them to go from \$100,000 to \$5,000. There are those times when it is necessary to do work rapidly that does not lend itself to the tendering process, which I am sure was the reason for establishing the \$100,000-dollar limit in the first place.

I will not accept the advice of the honourable senator, and I will not take to the Minister of Finance the recommendation that people vote for a reduction to \$5,000.

Senator Angus: Honourable senators, it is reported that the bank has commissioned a study following the revelation of these so-called mistakes. The deputy governor drove the examination that led to this report to which I referred, dated December 4, 2002. It, indeed, recommends that the limit be dropped to \$5,000. I understand that the management of the bank is in favour of that.

It is obvious that the Leader of the Government knows something about that. Is there some feeling that the management of the bank should not be supported by its politically appointed board?

Senator Carstairs: Honourable senators, I am sure that if the board, in particular the governor, comes forward with a request to the board members, the board members will comply. I do not have any information about this.

I am merely telling the honourable senator that, in the logical operations of governments, \$5,000 is not a helpful amount for the day-to-day operations of any corporation, including the Bank of Canada.

INTERNATIONAL TRADE

UNITED STATES—DUTY INCREASES TO WHEAT

Hon. Leonard J. Gustafson: Honourable senators, my question relates to the decision of the U.S. Department of Commerce to impose an additional 8.15 per cent duty on high quality durum and a 6.12 per cent duty on spring wheat. These duties come on the heels of a 4 per cent increase in duties that the Americans imposed in March. A serious problem faces agriculture and the farmers growing grains, especially.

Could the Leader of the Government in the Senate inform this chamber of what measures the Canadian government is taking to respond to these moves by the American government?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator is aware, it is a preliminary finding of the Department of Commerce of the United States to

impose these countervailing duties. The next step in their process is to make the final determination. It is obviously our determination that we will challenge this decision as best we possibly can.

This is not the first time, as the honourable senator well knows, that the United States government, through its Department of Commerce, has challenged wheat and the Canadian Wheat Board. Every time they have done so in the past, they have lost. It is my hope that they will lose this time as well.

Senator Gustafson: Honourable senators, the Leader of the Government in the Senate must admit that these are high duties and could cost agriculture and grain farmers as much as \$47 million per year. The Minister responsible for the Canadian Wheat Board has indicated that this is a very serious problem for Canada. Is the government considering doing anything for the farmers if we cannot get the American government to change its position?

Senator Carstairs: Honourable senators, the preliminary decision was made on March 4, 2003, which is the one to which the honourable senator refers. The final decision will not be made until July 2003. Our primary objective must now be to present the necessary information to the Department of Commerce of the United States to prove that they are wrong in trying to impose these duties on Canadian wheat.

It is also important that we engage the purchasers of those wheat products because, as we well know, the wheat products that would be placed under this proposed countervail cannot be produced in any quantity in the United States. They are necessary for the making of certain products in the United States. Hopefully, we can join with the users, those who take that wheat and produce products from it, to persuade the Department of Commerce that this proposal is ill-considered on their part.

• (1450)

Senator Gustafson: Honourable senators, I accept that the Americans cannot produce that kind of high quality grain. On the other hand, are we to assume that we are paying the price because Canada did not become involved in the Iraq war and that farmers are being penalized for the decision of the government?

Senator Carstairs: Honourable senators, if we were to presume that, we would have to go back to find out why, on nine other occasions, they challenged the decisions of the Wheat Board and lost on each occasion. I do not think one can draw a parallel between our very sovereign decision made with respect to Iraq and this decision. However, it is an ongoing irritant. American farmers quite often have the ear of their government, particularly in an election year when they seem to have a bigger ear of their government. However, the decision made by the U.S. Department of Commerce is wrong and we have to convince them of that.

Senator Gustafson: Will the Leader of the Government in the Senate commit to take to cabinet the seriousness of this matter? I am sure that it has been discussed in the other place.

Senator Carstairs: Of course I will do that. I can assure the honourable senator that no one understands the importance of this issue better than the minister responsible for the Canadian Wheat Board, who is from the province of Saskatchewan. I will remind the Honourable Ralph Goodale not only of the honourable senator's concern but also of the concern of all honourable senators.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

CUSTOMS AND REVENUE AGENCY— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Questions Nos. 11, 12 and 13 on the Order Paper—by Senator Kenny.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 55 on the Order Paper—by Senator Kenny.

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC—ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 61 on the Order Paper—by Senator Kenny.

NATIONAL BATTLEFIELDS COMMISSION— ALTERNATIVE FUELS ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 101 on the Order Paper—by Senator Kenny.

[English]

ORDERS OF THE DAY

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

THIRD READING

Hon. Ione Christensen moved the third reading of Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

Motion agreed to and bill read third time and passed.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Cools*).

Hon. Gerald J. Comeau: Honourable senators, I will be brief. I first want to commend Senator Kinsella for this initiative. Senator Robichaud and I often meet francophones and anglophones in the course of our activities, and we would like to be able to sing the national anthem in both official languages, without turning it into the Tower of Babel.

I have had the opportunity to study this bill, and I believe that it is well suited to this type of activity. I encourage all senators to support this initiative, which has reached second reading.

In support of this bill, I would like to read a letter sent by Stéphane Dallaire, from the office of the Minister of Canadian Heritage. The letter is addressed to Senator Kinsella and reads as follows:

[English]

On behalf of the Honourable Sheila Copps, Minister of Canadian Heritage, thank you for your correspondence of February 13, 2003, and accompanying documentation, regarding Bill S-14, *An Act to amend the National Anthem Act to reflect the linguistic duality of Canada*.

Ms. Copps appreciates your advising her of your views on this matter. It should be noted that the Minister supports this bill and feels that this initiative is an excellent way to promote Canadian identity. The national anthem is one of Canada's best-known symbols; for this symbol to further reflect our linguistic duality is certainly important.

As indicated in your correspondence, bilingual versions of the anthem are being performed across Canada, including an unofficial version sung at federal government events. An official bilingual version of the anthem is needed.

Please accept our best wishes.

Yours sincerely,

[Translation]

I would like to table this letter in case anyone would like to read it.

The Hon. the Speaker: Is it your pleasure, honourable senators, to have the honourable senator table the letter?

Hon. Senators: Agreed.

Senator Comeau: For all these reasons, I encourage senators to support this motion for second reading so that the bill can be sent to committee for further consideration.

On motion of Senator Prud'homme, debate adjourned.

• (1500)

[English]

LOUIS RIEL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Cools*).

Hon. Mira Spivak: Honourable senators, I am pleased to join in this debate about one of the most quixotic and fascinating figures in Canadian history — Louis David Riel, the founder of my province of Manitoba.

This historical figure has been the subject of much scholarly research, debate and writing — both fiction and non-fiction. We now have more than a dozen full-length biographies, 20 stage plays, an opera, radio dramas and several television series about Riel. They are a significant part of our uniquely Canadian culture.

No historical figure has been the subject of so much debate in Parliament, particularly in the other place. One speech was delivered in the House of Commons on April 13, 1871, less than a year after Manitoba entered Confederation. It was delivered by John Christian Schultz, member of Parliament for Lisgar, Manitoba, and Riel's nemesis. He was speaking to Supplementary Estimates that included \$40,000 in relief to government loyalists who had lost property in the Red River uprising.

The speech is remembered for a theory that most historians have dismissed. According to Dr. Schultz, Riel was less the Metis hero who defended land, language and religion, and more a co-conspirator with officers of the Hudson Bay Company in Red River, who saw Canada's purchase of the Northwest Territory as the end to their way of life and livelihood — and naturally opposed it. As I said, historians have given that view little credence and paid much more attention to the portions of the demands of Riel's provisional government that found their way into the Manitoba Act.

A patriot or a traitor? A visionary or a madman? President of a legitimate provisional government under threat or a manic murderer who ordered the execution of Thomas Scott against the best advice of his followers? In today's parlance, where you stand depends on where you sit, and it was ever thus.

Sir John A. Macdonald, in a February 23, 1870 letter to a former cabinet colleague, suggested that President Riel be made a senator. A few months later, after Scott's execution, he had entirely different thoughts. He shared the view of Dr. Schultz that Riel was a cold-blooded murderer. In the spring of 1890, Dr. Schultz spoke to a crowd of more than 10,000 in Toronto and stirred Orange Ontario against Riel. That spring, he also testified before a Senate hearing.

The Parliament record is heavy with debate about Riel, including the debate on the motion to expel him from Parliament after his election as a Manitoba MP. The grounds for the motion were that Riel was a fugitive from justice — the government having denied him amnesty — and understandably, he had failed to obey an order to attend the House.

The United States Senate also held a special session in March 1889, in which President Benjamin Harrison, responding to a Senate resolution, made public correspondence between Riel, from his Regina jailhouse, and the head of the U.S. consulate in Winnipeg, James W. Taylor. The President also tabled petitions from Lawrence, Massachusetts, Rochester, New York and Wayland, Massachusetts — petitions that pleaded with the government to intervene to save U.S. citizen Riel from the gallows. Those petitions described Riel as an "apparent victim of fanaticism"; his trial as "not impartial" and the death sentence hanging over his head as "an abuse of justice."

In this country, it is safe to say that no historical figure continues to rouse such strong feeling, as we have seen again in this chamber in recent weeks.

After more than 100 years, there is a consensus that Riel's tragic and fatal mistake was to submit prisoner Thomas Scott to a trial of sorts, then order his execution on March 4, 1870, outside of the walls of Upper Fort Garry, in front of more than 100 bystanders. He had relented on executions of other prisoners in the fort. On Scott, he would not relent. It was the single act that determined the rest of his life and played no small part in shaping the political fault lines of Canada to this day.

After more than 100 years, there is also a strong case that Scott's execution and the furor it stirred in Orange Ontario was the driver that led to Riel's hanging — not the charge of treason on which he was tried. Protestant Ontario wanted his head; Quebecers were outraged by his trial and the death sentence. Riel had spent two years in Quebec asylums. They thought he was truly mad and should not be executed. Sir John A. Macdonald, like Riel, chose not to relent. Some believe it was an equally tragic mistake on the part of the Prime Minister.

Manitoba scholar, J. M. Bumsted, has written extensively about the Red River Rebellion and Riel. He put it this way:

The vast majority of French Canadians believed that Riel had died because he was French Canadian and Catholic... Quebec suddenly discovered that it was being deprived of a legitimate share in Western Canada. It had learned that it had no power in the national government. It

responded, as one pamphlet put it, with cries of French-Canadian nationalism: "The Province of Quebec is ours; it is our property, and let's tell the English we intend to keep it. No concessions: absolute power in our own house, French governments throughout."

By 1886, Honore Mercier was arguing in the provincial election that the Quebec conservatives had failed to defend the autonomy of Quebec. From the standpoint of the history of Canada, the death of Riel led inexorably to the election of a government that labelled itself national and devoted itself to the defence of Quebec autonomy. A large step toward separatism had been taken.

Whether we agree with that interpretation of history, there is no doubt that the life and death of Louis Riel was a major force in shaping not only Manitoba and the West, but allegiances to political parties — and therefore, the federal government — for a very long time.

As we know well, almost a century passed before voters in Quebec saw the wisdom of electing a Conservative Prime Minister from their province. Now they have made the wise decision to elect a former Conservative leader as their premier. Some of this history is unpleasant, but we should not be afraid to encourage people to study it.

Bill S-9 does not attempt to rewrite history — at least on the major issue. It does not, as Bill S-25 did, seek a posthumous pardon. Otherwise, I would not support it. What was done was done by honourable men, the best men of their times, men we have already recognized by proclaiming days in their honour — January 11 for Sir John A. Macdonald and November 20 for Sir Wilfrid Laurier, who debated fiercely on Riel's behalf. It is not for this generation to pronounce sentence on their decisions and to reverse them.

What this bill does, and I concur with it, is to establish May 12 as Louis Riel Day — May 12 because it is the day the Governor General assented to the Manitoba Act. I would like to see a Louis Riel Day enacted perhaps for different reasons than some of the previous speakers. They have spoken about the need to give young Metis a hero, a role model to inspire them. I would like to see all young people of all provinces, especially Manitoba, delve into this fascinating history that I have briefly touched upon. I would like to see history teachers in Manitoba mark Louis Riel Day. I would like their students to read of the people that formed part of Riel's story and survive largely as city street names — Bannatyne, Hargrave, Lagimodiere and Tache. I would like to see Manitobans of all ages and backgrounds drawn to the St. Boniface museum that honours Riel and inspired to read their own history.

I would like to see Riel's part in our history revived, on an annual basis, because he is the greatest single window on our past that helps us understand who we are today.

• (1510)

As historian Thomas Flanagan wrote in the 1980s:

As long as Canada exists, its citizens will want to read about Louis Riel because his life summarizes in a unique way the tensions of being Canadian: English versus French, native versus white, east versus west, Canadian versus American.

This bill could go some way to ensuring that he is correct. We need to study the roots of these tensions, not to perpetuate them but to lessen them.

The bill talks about affecting reconciliation and bringing harmony to Canada's national story by honouring Louis Riel and the Metis people. I do not interpret this as an invitation to whitewash history, or to make of Riel a cardboard, Disney-like character. It would be impossible to do that without tossing out huge portions of his life. Nor do I see it as just a way to uncover old wounds and keep alive old enmities. Reconciliation, in the best sense of the word, is "to make friends again."

We "make friends again" by trying to remove the sting of past decisions. That is something the Mulroney government certainly tried to do in its resolution 11 years ago. We reconcile by keeping forgotten promises. Again, the Conservative government of the 1980s strongly supported bilingualism in Manitoba and Saskatchewan. We "make friends again" by reading history from its many perspectives and seeing the human frailties of all leaders, the miscues that led to the misunderstandings and, particularly in those days of the Red River settlement, the immense difficulties in communications.

When emissaries had to travel by rail through the U.S. and on snowshoe or horseback between the end of the rail line and the Red River, small wonder that Riel's government became legitimate through happenstance. Lieutenant-Governor-in-waiting William McDougall prematurely ended the Hudson's Bay Company rule, unaware that here, in Ottawa, the government had delayed the date of the transfer of the northwest to Canada.

I certainly hope that this bill will encourage varied reading and discussion by many people. I hope it will not lead to attempts to construct a single harmonized, sanitized official history. There should be no new political correctness arising from this bill.

It does, however, establish Riel as a Metis patriot and a Canadian hero. I have no problem with the former, but a Canadian hero? I do not know. He more resembles the hero of a Shakespearean tragedy, possessing passions that were larger than life, at times delusional, and a flaw that was his undoing — not usually Canadian traits except in very rare circumstances, and I can think of one.

Riel was also a poet. There is a prophetic quality in some of his earliest works, written while he was studying for priesthood in Montreal. He wrote of the mice successfully rebelling against the cat. He wrote of a young man dying. In later years, he wrote of his political enemies and what he had tried to accomplish in Red River. I would like to quote one stanza from one poem that says, in his words, what his struggles were all about.

[Translation]

It was not afraid to defend
Property rights,
The honour every man is entitled to
Civil rights; freedom
Both religious and
Political freedom;
Precious human life
God the Father counts each second.

[English]

"Hero" or "legend" or "mythical figure," perhaps it does not matter which word or phrase we use in this bill, but I would suggest that either of the latter two would be a better fit.

Finally, in my support for this bill, I have to deal with a criticism that we already have too many "days," and the more we create, the more it diminishes those we have already established. When you look at this month's calendar, you will see that, in May, we have World Press Freedom Day, World Red Cross Day, Canada Health Day which falls on May 12, as does International Nurses Day. We have International Day of the Families, National Missing Children's Day and World No-Tobacco Day.

The reality is that no one marks all these days. They are kept by various segments of our society and, from time to time, here on Parliament Hill we are reminded of some of them. While I hope that educators and others in many provinces will choose to mark Louis Riel Day, the reality is that it will be kept, in the main, by the Metis of Canada and by some Manitobans, just as International Nurse's Day is far more likely to be kept by nurses than by engineers.

Should we deny the Metis and the Manitobans a Louis Reil Day? It would be mean-spirited, considering that we have passed bills for a Sir John A. Macdonald Day and Sir Wilfrid Laurier Day. In principle, I support this bill and hope it moves quickly to committee. I promise honourable senators who study it that, if they dig no further than our own archives and our Library of Parliament, they will find a treasure trove.

Hon. Thelma J. Chalifoux: Honourable senators, in conversation with Senator Cools, she told me that she does not wish to speak to this bill and that all her concerns have been answered. I would therefore suggest that we proceed to a motion to have this bill referred to the Standing Senate Committee on Aboriginal Peoples.

The Hon. the Speaker: I will deal with the original motion.

Senator Chalifoux's interjection is helpful in that the matter stood in the name of Senator Cools.

Hon. Terry Stratton: Honourable senators, I am rather curious as to why the bill would be referred to the Aboriginal Committee, since we have just been told that that committee is overloaded with work. The human rights study on Aboriginal matrimonial rights and property rights for Aboriginal women could not be

referred to the Aboriginal committee because it was too busy. Would the honourable senator perhaps suggest that it be referred to another committee?

The Hon. the Speaker: I am taking this as comments on Senator Spivak's speech. We are at a point where the question on the motion for second reading is in order or an honourable senator may wish to move the adjournment of the debate. We are getting a bit ahead of ourselves.

If the house is ready, I will put the motion.

Some Hon. Senators: Question!

The Hon. the Speaker: Senator Chalifoux is entitled to speak, but I must advise her that, if she speaks now, her speech will have the effect of closing the debate on the motion for second reading of this bill.

The motion that the bill be referred to committee is not debatable.

Senator Chalifoux: Honourable senators, I should like the question to be put.

The Hon. the Speaker: I will put the question, and it will be up to the house to decide which committee shall study the bill if it is to be referred.

Is the house ready for the question?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, since Senator Chalifoux has spoken, may I ask her a question? Perhaps that will get us out of this procedural bog into which we are headed.

Would the honourable senator agree that this bill should be referred to the Standing Senate Committee on Social Affairs, Science and Technology? I suggest that committee because its members have already studied the Macdonald bill. However, it could be referred to either that committee or the Standing Senate Committee on Legal and Constitutional Affairs. I would suggest that those are more appropriate committees than the Aboriginal committee for a study of this bill.

Senator Chalifoux: Honourable senators, in my brief discussions with our whip, we considered the Legal Committee, but that committee also seems to be overwhelmed with work. Perhaps it would be appropriate if I were to speak to the leadership to determine which committee would best be able to deal with this bill.

Senator Lynch-Staunton: I would suggest that we adjourn the debate and revisit this question tomorrow. I do not want to argue this on the floor today.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think that, the Standing Senate Committee on Legal and Constitutional Affairs is overburdened. They should be able to complete the study of the bill they have before them relatively soon, provided the outcome of the vote that takes place this

afternoon at 5:30 is as it should be. Therefore, it would be my recommendation, honourable senators, that the bill be sent to either the Legal Committee or the Social Committee, whichever meet with the approval of honourable senators. I am of the view that the Legal Committee would be the appropriate committee to study this bill.

Senator Chalifoux: I am in agreement.

Hon. Eymard G. Corbin: Honourable senators I have one additional comment. We should be consistent in our approach in referring this type of bill to committees. Over time, committees develop a certain expertise and proficiency. The Legal Affairs Committee is already studying Senator Comeau's bill. We have had excellent testimony not only with respect to the specific topic, but also with respect to the overall designation of special days, weeks and what have you. The experience gained from that work should not be lost, and therefore I entirely support the proposition that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs for that reason only.

Some Hon. Senators: Question!

The Hon. the Speaker: Is the house ready for the question? Senator Chalifoux having spoken, I have no option but to put the question. Honourable senators, it was moved by the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, that this bill be read the second time now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

• (1520)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Thelma J. Chalifoux: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, just to make the point so it is clear in the future, the motion before us is debatable, votable and amendable. This is the stage at which the discussion that has occurred prior to second reading is dealt with. Therefore, for the future, we can vote on the principle of the bill, and then the discussion as to what committee it would go to prior to third reading is debatable.

The Hon. the Speaker: Honourable senators, I am treating this as a point of order because I am not sure I agree with Senator Kinsella.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the Leader of the Opposition took advantage of procedure to ask a question of Senator Chalifoux at exactly the right moment. That had the effect of closing the debate.

I think it was all in order, but I also agree with Senator Kinsella that the next time such a decision is made, we might put the question and then discuss the issue of referral to committee.

[English]

The Hon. the Speaker: Honourable senators, Senator Chalifoux has moved a motion. I have put the question and it now is for me to ask this house if it wishes to adopt the motion of Senator Chalifoux.

Honourable senators, is it agreed that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs?

Hon. Senators: Agreed.

On motion of Senator Chalifoux, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Gauthier, for the adoption of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study of the Canadian media), presented in the Senate on April 3, 2003.—(*Honourable Senator Stratton*).

Hon. Lise Bacon: Honourable senators, Senator Stratton has agreed to let me speak first on the fifth report of the Standing Senate Committee on Transport and Communications regarding the budget for the committee's study of the Canadian media.

The committee has submitted a budget request for \$435,250. This was one of the largest budgets submitted. The Internal Economy Committee appreciated that the Chair of the Transport Committee indicated a willingness to spread the travel over two fiscal years, thereby reducing the demands on this year's budget. With this in mind, the Internal Economy Committee recommended the release of \$197,850.

The Internal Economy Committee has already received requests totalling some \$3 million. I wish to remind honourable senators that, in approving its Main Estimates for 2003-04, the Senate agreed to an allocation of \$2.2 million for committees. Of this amount, \$400,000 has been set aside for witness expenses and video conferencing, leaving \$1.8 million available for distribution to committees.

During the debate on committee budgets last Thursday, a number of senators indicated that the budget for committees is inadequate. Some suggested that all committees should have been asked what their needs were before the Main Estimates were submitted.

I would like to assure honourable senators that the needs of committees were taken into account in developing the Main Estimates. Previous demands as well as past spending patterns were taken into account. In the past few years, committees have spent, on average, approximately 70 per cent of the funds allocated to them, and \$2.2 million is substantially more than what normally has been spent.

I wish to remind honourable senators that we are talking about public funds and the allocation of funds within a political environment. I am sure senators recall the emphasis in the last Speech from the Throne on budgetary restraints. The Senate must be aware of the broader fiscal framework and difficult decisions must be made. The Senate, like all public institutions, must reflect financial constraints.

It may be useful to remind honourable senators of how far we have come in terms of funding Senate committees. I share Senator Lynch-Staunton's view that to the extent possible funding should be included in the Main Estimates. Supplementary Estimates should only be used for expenditures that could not have been foreseen.

In reviewing funding for committees over the past 10 years, it is clear that funding has increased dramatically. In 1993-94, the budget for committees was \$819,000, with a further \$58,000 for witness expenses, for a total of \$877,000.

Funding in the Main Estimates for committees remained fairly stable throughout the 1990s, though Supplementary Estimates for committees varied tremendously.

There was a dramatic jump in the Main Estimates in 2000-01, to \$1.5 million for committees, including \$300,000 for witness expenses. The total funding for committees in the Main Estimates increased to \$2 million in 2001-02 and an additional \$1.2 million was obtained through the Supplementary Estimates. In 2002-03 and 2003-04, the budget for committees was \$2.2 million. In short, the budget available to committees has increased by some 250 per cent over the past 10 years.

Clearly, the Senate values the work of its committees, and it has been prepared to show its support for committee work through increased financial support. Increased financial support does not, however, mean unlimited financial support. Historically, requests from committees have exceeded the budget available. The Standing Committee on Internal Economy, Budgets and Administration has never had an easy job and has had to review requests from committees and determine how to allocate funds in a way that would facilitate the work of committees while respecting financial constraints.

The importance that the current Internal Economy Committee places on committee budgets is demonstrated by the fact that the steering committee itself took on the task of reviewing these budgets and making recommendations to the full committee.

The steering committee invited committee chairs to present and defend their budgets. While some chairs required no more than

15 minutes to make their case, others, including the Chair of the National Security and Defence Committee, took much longer, speaking for 45 minutes. The steering committee gave committee chairs ample opportunity to make their case.

The Internal Economy Committee has made a particular effort to be transparent in its decision making to ensure that committees understand the rationale for its decisions and what is being funded.

I believe that we have been fair and equitable. We have not paralyzed any committee. We have, however, questioned certain requests. For example, the budget submitted by the Standing Senate Committee on National Security and Defence for its subcommittee's study on veterans health care included a request for \$14,000 to attend veterans' commemorative events, one in Canada and one internationally.

• (1530)

In the debate on Thursday, Senator Day suggested, and I quote, "that you will get half the effort that you would have gotten otherwise," because of the reduction in the budget from \$35,000 to \$17,000.

Almost the entire cut was directly related to the decision not to fund attendance at these commemorative events, which do not appear to be related in any way to the order of reference. Even if funds were unlimited, this item does not properly belong in a budget for a study on veterans' health care and I fail to see why this cut would result in any reduction whatsoever in the ability of the subcommittee to report on veterans' health care.

I wish to remind honourable senators that there are many different ways to study a given topic and that the most expensive way is not necessarily the best way. There is no direct correlation between quality and cost. Some of the Senate's most influential studies have been very inexpensive. For example, the study "Quality End-of-Life Care: The Right of Every Canadian" cost a total of \$17,000, including \$15,500 for witness expenses. The health care study of the Standing Senate Committee on Social Affairs, Science and Technology cost a small fraction of the Royal Commission headed by Roy Romanow. The Standing Senate Committee on Legal and Constitutional Affairs has a reputation for undertaking a great deal of legislative work in Ottawa, using nearly exclusively internal resources.

Clearly, committees can produce valuable and influential reports without spending massive amounts of money. Work plans can be adjusted to take into account budgetary constraints. Instead of travelling across the country, committees can hear witnesses in Ottawa or take advantage of technological developments to hear testimony by video conference.

This brings me to the matter of the process for the approval of budgets. The process is included in Appendix II of the *Rules of the Senate*, entitled "Procedural Guidelines for the Financial Operation of Senate Committees." These guidelines are an extract from a report of the Standing Committee on Rules, Procedures and the Rights of Parliament adopted by the Senate in March 1986. The Rules Committee is empowered by the Senate

to propose amendments to the rules. However, when it comes to rules regarding budgets, it is clear that the Internal Economy Committee has a direct interest since it is responsible for the financial administrative management of the Senate. Therefore, it would appear that a working group made up of representatives of both committees would be an appropriate forum for an in-depth discussion on the budgetary process. Ideally, the chairs of both committees would be involved in the working group so that they could report to their respective committees as appropriate.

Indeed, in February of this year, I spoke to Senator Milne, Chair of the Rules Committee, making this suggestion. As all honourable senators know, the Rules Committee has been exceptionally busy, but I know that Senator Milne shares my interest in this matter and would like this issue to be examined once the Rules Committee has completed its work on the ethics package.

In my discussions with Senator Milne, I indicated some of the questions the working group might consider. These could include: What is the appropriate relationship between an order of reference and a budget? Should there be limits on the number of orders of reference approved by the Senate in any given period or should the control be exercised at the budgetary level? Do the *Rules of the Senate* need to be updated? Are there other issues — political, communications, education and so forth — that need to be addressed? To what extent does the prior approval of an order of reference by the Senate have any impact on the decision-making process of the Committee on Internal Economy when it comes to considering a budget submission? If budgets were submitted to Internal Economy prior to approval of the order of reference by the Senate, would the freedom of the Senate to determine which studies should be undertaken be constrained? Given that orders of reference are not always committee generated but sometimes come from individual senators or at the request of a minister, what is the appropriate time for a budget to be considered by a committee, the Internal Economy Committee and the Senate? Should there be base budgets for committees? Is the fiscal year approach to budgeting the most effective? How much flexibility should there be for committees to transfer funds between various types of expenditures once their budgets have been approved? How much flexibility should there be for committees to transfer funds between various types of expenditures once an activity has been completed? Are the categories of expenditure identified in the rules appropriate? Are expenditures being appropriately distributed between central budgets — for example, witness expenses, video conferencing and beverages — and individual committee budgets? Are the current practices for reporting budgets to the Senate appropriate?

There are other issues that could also be considered by the working group. It may wish to review the use of fact-finding, which seems to have become an increasingly popular way of gathering information. I am particularly concerned with ensuring that fact-finding is not used as a way of getting around the official languages requirements that we are bound, as an institution, to respect. I am also deeply concerned about the use of transcript from fact-finding meetings. Parliamentary privilege protects senators and witnesses alike at a formal committee meeting, but the same cannot be said for fact-finding and great care must be

taken in the use and dissemination of the information gathered. We do not want Canadians or the Senate to be put at risk.

Having discussed these issues and decided whether any rule changes or other action need to be taken, the representatives of the working group could report back to the Rules Committee and the Committee on Internal Economy with a recommendation as to how best to proceed.

Committee work is an integral part of the work of the Senate. However, we must remember that senators also have an obligation to attend the Senate chamber. Committee travel, while valuable in many circumstances, must be seen within the larger context of the work that needs to be accomplished in the Senate, here in Ottawa. The larger context also includes the political and procedural environment within which we operate.

The process followed by the Internal Economy Committee in allocating funds for 2003-04 respects the process established by the *Rules of the Senate* and the constraints imposed by the budget adopted by this chamber. Your committee has no choice but to do so. Given that demands received from committees so far are approximately \$3 million, the committee could not recommend full funding. Instead, funds were released to enable committees to plan their work through the early fall. The recommended release to date amounts to over \$1.6 million, leaving a modest contingency for the remainder of the fiscal year.

There have always been budgetary controls of some kind for committees. For example, in past years, funds have sometimes been granted through the release of a certain proportion of each of the budgets submitted, such as three-twelfths or six-twelfths. Such an approach results in the preferential treatment of committees with larger budgets and does not take into account that there is greater flexibility in managing certain types of expenditures.

For 2003-04, in order to be fair to all committees, a clawback provision was agreed to by the Senate to ensure that funds remaining at the end of an activity are returned to the central budget for reallocation. I should point out that an even stricter claw-back process exists in the House of Commons.

Your Internal Economy Committee does not wish to micro-manage the operations of other committees. For example, if a committee wishes to change its dates of travel and its destination, it is for the members of that committee to decide. However, the Committee on Internal Economy must exercise strict control over the number of trips undertaken. It would not be fiscally responsible to grant funds for a trip and to allow any surplus funds to simply remain in the hands of the committee for its use for another trip. Indeed, such an approach would only encourage the padding of budgets. Given that funds were released to allow 12 senators to travel for public hearings and nine senators to travel for fact-finding, in addition to the necessary staff, it is likely that a substantial amount will be returned to the central budget, since the historical record shows that between six and eight senators participate in most trips.

• (1540)

The clawback process will enable committees to access funds that otherwise would have been unavailable to them.

I am aware that a number of senators are unhappy with the level of funding that was granted to their committees. I suspect that anything less than 100 per cent funding would have been seen as unacceptable. However, we cannot ignore political or fiscal reality. There is only so much money available. Our funds are limited.

The Internal Economy Committee has the responsibility to recommend the allocation of funds within our established framework in a prudent, fair and transparent manner. I am confident we have done so.

Hon. Jeremiah S. Grafstein: Honourable senators, I have not had an opportunity to carefully consider what the honourable senator has said about the Internal Economy Committee, but I wonder whether the committee has done another analysis, that of value for money. We have heard about cost savings and focusing on costs, but I am also interested in the model of value for money. Are we getting value for the money and, if so, are we spending enough?

Senator Bacon: For the chairs of committees, we never spend enough. As I said, we will form a working group to come up with some valuable answers to all the questions.

Hon. Terry Stratton: Honourable senators, last week I adjourned the debate particularly because none of our committee members were here in Ottawa. Three or four were ill. First, I wanted to ensure we would have our committee members present. Second, I wanted to ensure that they were comfortable with the budget as it currently stands, and they are. I will remove any constraints that I had with respect to approval, only asking that, surely to goodness, we will not recommend a government-supported newspaper, as advocated by Patrick Watson. I would expect that the committee would want to hear from Mr. Frum on his recent resignation.

Senator Carstairs: And Patricia Pearson.

The Hon. the Speaker: Does the honourable senator wish to comment on Senator Stratton's speech? She might do that, or ask him a question.

Hon. Joan Fraser: I will comment on the two questions raised by the Honourable Senator Stratton. In regard to Patrick Watson's suggestion, I would note that we are only beginning our work, and I expect we will hear from numerous witnesses. Indeed, we heard from at least one witness this morning who was opposed to Mr. Watson's suggestion. We have a long way to go on that one.

Senator Stratton: I would hope so.

Senator Fraser: As for Mr. Frum, it will be up to him to decide whether he wishes to appear before us. However, I must say that when I learned that he had left his previous employer, my first reaction was to say, "Oh, let us see if we can get him to come to speak to us."

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-9, to amend the Canadian Environmental Assessment Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On the motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MATTERS RELATING TO STRADDLING STOCKS AND FISH HABITAT ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Fisheries and Oceans (budget—study on straddling stocks and fish habitat) presented in the Senate on April 30, 2003.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that this report be adopted now.

Does the Honourable Senator Comeau wish to speak?

Senator Comeau: No.

Hon. John Lynch-Staunton (Leader of the Opposition): To be consistent, honourable senators, I would like to ask Senator Comeau the same questions I have asked other chairmen who have seen their committee budgets reduced.

After listening to Senator Bacon, I think we have a better appreciation of the problems faced by her committee. I want to take this occasion to congratulate her and the members of the Internal Economy Committee for the excellent work they do under very difficult fiscal and political constraints.

That being said, Senator Comeau's committee has asked for \$245,000 in round figures and has been allotted \$167,000. Can he assure us that, with a reduced budget, his committee will be able to carry on the work with the same efficiency and care that I know it would with the original amount? Does the reduced amount handicap the committee's efforts and work at all and, if so, to what extent?

Senator Comeau: I thank Senator Lynch-Staunton for the question. It gives me the opportunity to congratulate Senator Bacon and her committee members for the excellent work they did in looking at all the committee budgets. I have to say, as well, that members of that committee are doing yeoman's work. It is not easy, having a group of chairmen arrive at this committee, demanding all kinds of money for work that they very much believe in. I appreciate what they do. I welcome their questions and comments. Committees and their chairmen must be on their toes in trying to arrive at realistic budgets.

In direct answer to the question posed, we will obviously do the best we can with the budget that we have. One of the areas we did agree to reduce was with regard to public hearings. We have accepted that we would conduct a fact-finding trip, which will be much less costly than holding public hearings.

I wish to reiterate that public hearings are not necessarily preferable to fact-finding trips. Public hearings have a tendency to draw in representatives of the people, representatives of fishermen, rather than the fishermen themselves. As a committee, we have always preferred having fishermen and their families and communities appear before us rather than the representatives of fishermen.

We have agreed to reduce our numbers from 12 to nine members when we travel. We will be getting a better representation of the fishing community.

We have seen, in the last couple of days, what can happen when a decision is made in Ottawa from on high, without having adequately considered what might happen when the decision is applied on the ground. That is one of the reasons our committee wants to go to various parts of Canada. We want to hear from fishing communities and the people who are directly affected by the decisions made in Ottawa.

• (1550)

With the budget, reduced as it is, I think we will be able to accomplish a great part of the work that we had intended to accomplish this year. I think we will be able to come up with some very positive and uniting reports.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

THE SENATE

MOTION TO CREATE SPECIAL COMMITTEE TO OVERSEE IMPLEMENTATION OF BROADCASTING PROCEEDINGS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, with closed-captioning in real time, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five senators, be appointed to oversee the implementation of this resolution.—(*Honourable Senator Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, I wish to amend the latter part of my motion. I was advised to establish a committee of five senators. I know that the honourable senators are busy enough. There is no need for a special committee to examine this matter. The Committee on Internal Economy, Budgets and Administration is already responsible for all broadcasting of the business of the Senate and of its committees. I ask leave to amend my motion so that it be referred to the Committee on Internal Economy, Budgets and Administration.

Having said that, I know that the honourable senators are divided on the issue of broadcasting our proceedings. I have been thinking about this issue for a long time. I have come to the conclusion that it would be in the public interest and in the interest of the Senate to make the all or part of the proceedings of the Senate and of its committees available to all Canadians.

The Senate is an integral part of Parliament and one of its two Houses. The Senate, like the House of Commons, plays an important role in democracy. We are the House of the Federation and we represent the regions. The House of Commons is the elected body: it democratically represents the people. There is a great difference between the two Houses. The broadcasting of our proceedings would not change the legislative function of the Senate, in any way.

The House of Commons' experience can guide and inspire us when it comes to televising our proceedings.

I was a member of the House of Commons when that motion was adopted in 1977. There were discussions of the advantages and disadvantages. Agreement was reached on October 17, 1977, and it was voted on. It took another three years, until 1980, for the committees to get permission to broadcast their proceedings. From 1992 on, this became regular practice and was covered by an agreement with CPAC. The Senate adopted a different

approach. Rather than broadcasting our sittings regularly, we adopted a policy of videotaping meetings. Since 1997, the agreement with CPAC allows committee meetings to be broadcast when they have obtained permission from the Senate. We televised 195 hours in 2000-01, and nearly twice that in 2001-02.

The Senate does not have the necessary equipment to record its debates, so they are not broadcast. I would like this to be authorized. It is true that certain sittings of the Senate have been taped, such as the Speech from the Throne, committees of the whole, or evidence given by certain invited speakers. This, however, has been done by CBC or CPAC, not ourselves. In a normal year, we broadcast more or less 200 hours of committees and a few hours from the Senate chamber. There is a great difference between the proceedings in the two chambers.

I remember a very different experience in 1972 when I was elected to the House of Commons. It was a pretty noisy place. People banged on their desks, people wandered all over the place. There were curtains behind the benches and people went there to smoke and to chat. They even spoke from the curtained area. All this changed when TV came in, in 1977. Peoples' behaviour improved. They stopped using their desks to make noise, stopped yelling, stopped making disparaging comments, stopped smoking behind the curtains, eating in the House of Commons and behind the curtains. I found this absolutely correct. It was what the public wanted.

We remember the comments we got from people about the members lighting up behind the curtains. They saw it happening on their TV and commented on how unhealthy it was, which was true.

Behaviour improved following the decision and the noise was greatly reduced. It must be noted that the broadcasting of the debates comes under the authority of the Speaker of the House of Commons, who is authorized to organize and monitor the public image of the House of Commons. In the Senate, it is not the Speaker or the Government Leader who is responsible for this; that us up to the Chair of the Senate Committee on Internal Economy, Budgets and Administration. In the end, we will be better served by the committee, since it is the committee that is authorized to study the issue. I think that this is appropriate and necessary. The Senate projects a better image today. We are better understood. We must make ourselves seen and heard and, most importantly, we must make ourselves understood by Canadians.

• (1600)

The Senate plays an important role. This must be said and we must give Canadians the chance to see for themselves the programming they want and to follow the debates in the Senate from time to time. I regret that recent major debates have not been broadcast. There were good debates on important issues, such as public security. Canadians do not know about these debates, except if they rely on the media, which; the media is rarely here to communicate our message. If we had control of the picture and the sound that is broadcast, I think it would be a good thing.

[Senator Gauthier]

Some senators are hesitant, and I understand that. However, if we want to make ourselves understood by Canadians, we will have to take action, show what we do publicly and not legislate in hiding.

We are living in an age of communications. Television has been said to be a hot medium that people use. A majority of Canadians get their information and news through that medium. They keep abreast of what is going on.

Nowadays, we can hear of events unfolding in China and know what is happening there. It allows Canadians to be better informed. There are consequences. Some use this medium for purposes of which I disapprove.

For example, I think it is essential that Canadians have access to the proceedings of this House and its committees on a regular basis. This should be a general rule. It will require that decisions and expenditures be made. Absolutely. Someday, we may have to take charge and decide for ourselves what we are going to do.

Years ago, when I asked why we were not broadcasting our proceedings, I was told that the Senate would make a decision, and that neither the government nor the administration would be making this decision for it. I then asked why, if this was a decision to be made by the Senate, a motion to this effect had not been introduced. That is what I am doing today.

I also asked that our broadcasts be closed-captioned to allow the three million Canadians who are heard of hearing to have regular access to news and to parliamentary proceedings on television. They can do so today.

I have regular access, on a daily basis, to a portable computer on which I can read the transcript of the proceedings in French and in English. The transcript is correct 95 per cent of the time. It keeps me informed of what is happening and allows me to take part in the debates.

The same is true for the millions of Canadians who would appreciate it greatly if the Senate were to innovate in this area. I am sure that we would be appreciated much more by individuals who are getting on in years. By the age of 70, 30 per cent of people have hearing problems. By the age of 75, 40 per cent of Canadians have hearing problems.

[English]

They are often in denial of the fact that they do not comprehend what is happening. They will increase the volume on their TV. They will say that the phone is not working properly. They will say that they are not interested in TV because they cannot follow. However, if they had subtitles, they could follow along.

Subtitles would be a very good pedagogical tool for those who want to learn a second language. Subtitles would be a good tool for our immigrants and for our young people in immersion programs because they would be able to hear and to read what is being said.

I could make a series of good arguments in support of this proposal. It is the first time that we have had a chance to discuss this publicly. I hope that decisions on this matter will be made promptly.

Honourable senators, I should like to refer this matter to the Standing Senate Committee on Internal Economy, Budgets and Administration.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, may I suggest that Senator Gauthier postpone the rest of the debate to the next sitting of the Senate, in order that he might present the Senate with his amended motion to refer the motion to the Committee on Internal Economy, Budgets and Administration, and as well, a date on which this committee should report back to the Senate. In that way, the honourable senators will be better prepared to take a position on the issue, because everything will be clear.

[English]

The Hon. the Speaker: Do you agree, Senator Gauthier?

[Translation]

Senator Gauthier: Honourable senators, I appreciate the comment by the Deputy Leader of the Government. I could write out my motion and present it tomorrow, without going through the notice of motion period.

I am removing the final paragraph of my motion and replacing it with "that the Committee on Internal Economy, Budgets and Administration consider this matter."

Hon. Eymard G. Corbin: Honourable senators, it is not as simple as that. Senator Gauthier cannot amend his motion without the unanimous consent of the Senate. I do not want him to waste his time.

[English]

The Hon. the Speaker: Honourable senators, the 15-minute time limit has expired. Do you wish additional time, Senator Gauthier?

Senator Gauthier: No, Your Honour.

The Hon. the Speaker: If honourable senators were to follow Senator Robichaud's suggestion that a change be considered, unanimous consent from senators for modification of the resolution would require that Senator Gauthier again have the floor.

[Translation]

Senator Robichaud: Honourable senators, Senator Gauthier did not ask for the consent of the Senate for additional time to present his motion. Therefore, I move that the debate be adjourned until the next sitting of the Senate.

On motion of Senator Robichaud, debate adjourned.

• (1610)

[English]

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Eyton*).

Hon. W. David Angus: Honourable senators, I am pleased to join the debate on the inquiry launched by Senator LeBreton into the legacy of waste during the Martin-Chrétien years. Honourable senators, we have in recent weeks heard from 11 of our colleagues on this side: Senator Bolduc, Senator Buchanan, Senator Comeau, Senator Di Nino, Senator Gustafson, Senator LeBreton, Senator Oliver, Senator Stratton, Senator Forrester, Senator Nolin and Senator Kelleher. We have heard from them a series of chilling illustrations of the abominable wastage of millions, perhaps even billions, of Canadians' hard-earned tax dollars during the Martin-Chrétien years. As well, in the context of these illustrations, we heard repeatedly very disturbing examples of outright Liberal government arrogance and stonewalling in their refusal to acknowledge or in any way to be accountable for this disgraceful and, in some cases, even criminal behaviour. Honourable senators, there is more to come; more, more and more scandalous stories that together weave a fabric depicting the horrendous legacy of waste that characterizes the Martin-Chrétien years.

Honourable senators, I was planning to devote all of my time this afternoon to the government's flagrant abuse of its so-called sponsorship program, particularly what has become known as the Groupaction scandal. However, honourable senators, we have received new revelations on what I respectfully submit is the mother of all scandals and abuses perpetrated during these pitiful Martin-Chrétien years. I speak of the infamous "Airbus Affair" in which former Prime Minister Brian Mulroney and his family were shamelessly, perniciously, publicly and unjustly persecuted over an eight-year period during an RCMP investigation initiated at the behest of officials of the Liberal government.

Notwithstanding Mr. Mulroney's successful defamation suit against the government and the RCMP, the Chrétien team has steadfastly and arrogantly refused to make a fulsome apology to the former Prime Minister and his family or to acknowledge publicly that the investigation was politically motivated. Rather, they caused the RCMP investigation to continue unabated for six more years after the settlement of the litigation was finalized, the whole causing substantial further chagrin, heartache and embarrassment to the Mulroney family and more totally unjustified and damaging gossip, rumours and speculation in the media, to say nothing of running up huge, additional, unjustified costs and expenses for the poor taxpayers.

Then suddenly on April 22, just two weeks ago, the once proud and internationally respected RCMP issued a terse press release announcing that at long last the Airbus investigation was closed, that no evidence of wrongdoing had been uncovered and that no charges would be laid. All of this came after an eight-year investigation costing taxpayers a reported \$50 million over and above the cost of defending the Mulroney's lawsuit, which is estimated to be in the area of \$11 million. Is this not yet another shocking example of abuse and misuse of taxpayers' dollars? You bet it is, honourable senators, an absolutely classic example of the deplorable legacy of waste of the Martin-Chrétien years.

We are given to understand that it was Allan Rock, then Justice Minister, who initiated this horrendous "witch hunt" by forwarding "rumours" to the Solicitor General and thence to the RCMP, that bribes had been paid in connection with Air Canada's purchase of 34 Airbus A320 airplanes at a cost of \$1.8 billion. These rumours, we understand, were started or fed by a certain overzealous journalist who harboured a strong personal dislike of Mr. Mulroney and his family.

Mr. Rock was also the minister whose subordinates in the Department of Justice later dispatched the shocking Kimberly Prost/Fraser Fiegenwald letter of September 29, 1995 requesting investigative assistance from the Swiss government. This letter contained the incredible sentence:

This investigation is of special importance to the Canadian government because criminal activities carried out by the former Prime Minister are involved.

Later, during proceedings in the Mulroney lawsuit, we learned the equally shocking fact that the Commissioner of the RCMP had never read the said letter, as late as two years after the fact. Honourable senators, what a dismal day for justice and fair play in Canada.

The London Free Press reported on April 29, 2003:

Whether a man is popular or reviled, the rules of natural justice apply; the point about basic rules of fairness is they apply to all. And the way Mulroney out of office was treated by the Chrétien government was shameful. Proof of this was the statement made April 23rd by assistant RCMP Commissioner Bill Lenton. Lenton announced that the eight-year, multi-million dollar RCMP investigation of the so-called "Airbus" affair was over... "there are no more leads to follow and nothing more to substantiate the allegations that were originally levied; it is incumbent upon us to stop the investigation, which we have done"... Guess what, it turned out there were no criminal activities. There were no facts. Outside the fevered imaginations of some so-called "investigative journalists", there was nothing that would stand up to scrutiny in a law court. And the RCMP finally admitted that.

The London Free Press article continued:

Almost as disturbing as the way the Justice Department initiated, and the RCMP handled, the investigation, is the lack of political accountability. To date, no politician has resigned over this gross abuse of power. If the Airbus saga

warrants any conclusion, it is the danger posed to citizens by a government out of control. The Justice Department did not determine the accuracy of its information before libelling a former Prime Minister. The RCMP spent millions on a fruitless investigation.

Honourable senators, the investigation into the "Airbus Affair" may have ended but the most important questions remain unanswered. How was this travesty of justice ever allowed to occur? How much longer will Canadians tolerate the unaccountable abuse of their trust by the Chrétien government? Who will be made accountable for putting Brian Mulroney and his entire family through such unconscionable turmoil for the past eight years? Who will answer to Canadian taxpayers for the millions wasted? As we have seen since the beginning of the tacky Liberal administration in 1993, the answer is: Nobody. This government's legacy is clearly one of sleaze, arrogance and abusive waste.

The arrogant attitude surfaced in this chamber on April 29, 2003. When asked very politely by Senator Tkachuk when this government would issue a formal apology to all those wrongly and very publicly publicized as being involved in this misadventure, the Leader of the Government in the Senate responded, three times, I believe, by saying, "...this investigation was directed by the RCMP. If the honourable senator has questions to the RCMP, I would suggest that he address them to that body." Perhaps Senator Tkachuk does not wish to wait eight years for a "nothing" RCMP response. He wants and he deserves to know when this government will do the right thing and apologize, as do all Canadians, honourable senators.

[Translation]

Honourable senators, I would now like to deal with the sponsorship program. This Liberal program was created by former Public Works Minister Alfonso Gagliano after the close referendum on Quebec sovereignty in 1995.

According to the Liberals, its purpose was to increase federal government visibility in the provinces.

[English]

This is another scandalous situation — one in which the RCMP is again involved, albeit this time for the right reasons. The key is: When will the RCMP complete its criminal investigation commenced one year ago and, if warranted, take the appropriate steps against the guilty parties in consequence of their findings? Hopefully we will not have to wait eight years for this. The program was established in 1997, allegedly to support sporting, cultural and community activities in all regions of Canada, and to encourage a positive perception of the federal government and to increase its presence and visibility in communities across our land through the use of the Canada Brand at events and on promotional material. In theory, this \$40 million-a-year program sounded like a darn good idea. Unfortunately, it has been knee-deep in scandal and controversy almost since its inception.

• (1620)

Some of the most controversial contracts given out under the program involved a Montreal-based communication or marketing agency called Groupaction, a known friend and supporter of the Liberal Party of Canada. Between 1996 and 1999, Groupaction was awarded three contracts valued respectively at \$500,000, \$550,000 and \$575,000. In March of 2002, this sponsorship program blew up in the government's face, following reports in the media and questions in the House of Commons and here in the Senate. Important concerns were raised about the program's inefficiencies and obvious examples of wasteful spending. Groupaction was caught four-square in the middle of all this controversy. After increased pressure from the media, the public and parliamentarians, the then-minister of Public Works, Don Boudria, was forced to ask the Auditor General to conduct a special audit into the three Groupaction sponsorship contracts.

The Auditor General, Ms. Sheila Fraser, agreed to the special audit. A few months later, on May 8, 2002, she tabled an extensive report in the House of Commons. She did not mince her words. She stated:

Our audit found that senior public servants responsible for managing the contracts demonstrated an appalling disregard for the *Financial Administration Act*, the Government Contracts Regulations, Treasury Board policy, and rules designed to ensure prudence and probity in government and procurement.... The government files on the three contracts are so poorly documented that many key questions remain unanswered surrounding the selection of the contractor and the basis for establishing the price and scope of work for the contracts. In our opinion, the government did not receive much of what it contracted for and paid for....

Key elements of what was specified in the Groupaction contracts were never delivered and no one has been able to find a report for the second contract, for which the government paid \$549,990.42... Officials approved payments for work that varied considerably from what the contracts specified. In a few cases, payments were approved with the knowledge that the requirements of the contracts had not been fully met.... We found that the first contract had been amended to double its value without any documentation to support the need for the amendment... None of the documents we examined contained any explanation of how the government had determined the need for the services or why it had decided that contracting was the best way to fill the need. We found no evidence that a proper selection process was followed in awarding the first contract.... We saw little documented support for the decision to award the second and third contracts to Groupaction.... Officials did not comply with the requirements of the *Financial Administration Act* and contracting regulations, and did not verify that the amount of time billed for by the contractor was an acceptable reflection of the work that was done."

At the press conference after tabling her report, Ms. Fraser stated:

The *Financial Administration Act* and government contracting regulations are rules that apply to public servants, not to contractors. And senior public servants broke just about every rule in the book.

The Auditor General's findings respecting the Groupaction contracts prompted her to launch a government-wide audit of the entire sponsorship program. As she noted during her press conference, "You can't put three contracts this badly managed in front of the Auditor General and believe she won't want to see the rest." She went on to say, "This is a completely unacceptable way for government to do business. Canadian taxpayers deserve better."

On May 24, 2002, just barely under a year ago, the RCMP announced that it would undertake a full criminal investigation into the awarding of advertising contracts to Groupaction. Canadians are anxiously awaiting the result.

The media had a field day after Ms. Fraser reported. As an example, *The Globe and Mail* of September 18, 2002 reported:

Under the former federal sponsorship program, advertising agencies would receive hefty commissions, usually 12 per cent, to oversee the government's sponsorship of events.... Quebec-based agencies that were major donors, many of which also had executives who worked on Liberal Party election campaigns; Groupaction, Groupe Everest and Lafleur Communication Marketing Inc., received the lion's share of the contracts.... An internal Public Works audit in 2000 found that Groupaction and Groupe Everest received 63 per cent of the sponsorship money between them, in violation of government guidelines that limit any one company to no more than 25 per cent.

It gets worse, honourable senators. Groupaction was also the company of choice for another of the present government's high profile fiascos — the gun registry program. The agency managed to get \$29.3 million in contracts since 1997 for the billion-dollar program. In that regard, the *Saint John Telegraph-Journal* reported on June 18, 2002:

Groupaction's firearm registry work includes yet another missing report —

The Hon. the Speaker: I am sorry to interrupt, Senator Angus, but your time has expired.

Senator Angus: May I have leave?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Angus: Honourable senators, the article continued:

The federal government is looking into yet another contract with the Montreal ad agency Groupaction Marketing, this one for \$330,000, to devise a communications strategy that was never requested by the Justice Department to sell federal gun control policy to the public.... The contract, awarded in December 1996, called for Groupaction to canvas people affected by new gun registration rules in the *Firearms Act* and develop a communications strategy for the government.... The Justice Department says it never asked for such a study and never received one from Groupaction. The deal was handled by Public Works, where it was approved by Charles Guité, a senior official who has since quietly retired.

In February of this year, Public Works Minister Ralph Goodale announced that up to seven civil servants implicated in the sponsorship program face disciplinary measures, or possibly even criminal charges. Minister Goodale also suggested that the probe could extend to former Public Works minister Alphonso Gagliano, who was responsible for the department when the scandalous activity took place.

[Translation]

Honourable senators, I could go on for hours listing the scandals of the Liberal government. Due to time constraints, however, I have restricted myself to the highly disturbing, if not downright unbelievable, facts surrounding a single communications agency, Groupaction.

We can conclude that the scandal surrounding the sponsorship program occurred when the Liberals, under the pretext of combating the separatist movement, took advantage of the situation to cut some pretty sizeable cheques for their supporters. To do so, they did not hesitate to get around, or actually break, the rules for the proper awarding of government contracts.

[English]

Using the excuse of the fighting the separatist movement in Quebec, the Liberal government wrote large cheques to its loyal donors and supporters. The evidence clearly reveals that the services contracted for and so generously paid for were, in many cases, only partly delivered to the government and in all other cases, not delivered at all.

The government also appears to have been devious and deceitful by covering its tracks and leaving no paper trail for the auditors. Also, the government only decided to clean up its act after it was caught red-handed not once, but three, four or even more times.

Several days ago, honourable senators, Ralph Goodale, the minister of Public Works responsible for federal contracting practices these days, unveiled a series of new measures aimed at bringing some semblance of integrity to this huge annual expenditure of public funds on government advertising. Mr. Goodale, now known as the government's resident Mr. Integrity, acknowledged in announcing the new rules: "I think we have the process configured so it will be open,

transparent and fair.... I think what we have now is a really strong, credible set of rules." As for using advertising contracts as rewards to party faithful for services during election campaigns, Goodale said: "That's just not on any more. That may have been the old way of doing business, but that stuff won't fly with the public in this day and age, nor should it."

• (1630)

According to an editorial in the *Ottawa Sun* last Friday:

In the decade the Chrétien government has been in power, Liberal-friendly ad agencies have dined out on an estimated \$1.5 billion in federal advertising contracts. In the past year alone, federal departments have burned through close to \$200 million, advertising everything from SARS to savings bonds. By default, the lion's share has gone to a tight little circle of firms up to their executive suites in Grits.... There is no way to calculate exactly how many millions of dollars of Canadian taxpayers' money have been wasted in all this.

Honourable senators, Auditor General Fraser has indicated that the new rules for awarding government advertising contracts are a step in the right direction. I agree. However, she said:

...the proof will be in how the policies are implemented. We'll have to wait and see. In many cases the government has very good policies and procedures. It's how they are put into practice that becomes troublesome.

All of this really makes one wonder how many other such nauseating messes are in the Liberal closet, waiting to be uncovered. It is clear that these contracts were blatant pork barrel patronage, pure and simple. The more information that comes to light about this government's contract dealings, the more one can plainly observe the flagrant pattern of sleaze and abuse. The Liberals priorities are simple: reward your friends and hide the truth from Canadians.

Canadians work hard, honourable senators. Canadian taxpayers pay a significant portion of their hard-earned money to the government. Honourable senators, it is simply unacceptable that Canadians' tax dollars be wasted in this deplorable way and used to contribute to such unethical and dishonest behaviour. Those responsible must be held to account for their flagrantly improper actions.

Some Hon. Senators: Hear, hear!

Hon. John G. Bryden: I have a question of the Honourable Senator Angus?

I rise, honourable senators, because it came to my attention in the latter part of last week that there was a significant misunderstanding of my speech. I know I am not allowed to speak more than once on this inquiry. This mistake came to my attention because Senator Stratton put a question to the Leader of the Government in the Senate. The question put was directly out of my speech and, indeed, a great deal of my speech depended on that sentence. It was obvious to me that he had misunderstood

that particular portion. The leader said she does not have to answer for me, which is true. I could answer for myself, she said. Since I read that, I have been trying to find out how I can now answer for myself, because I am only allowed to speak once and I have already spoken.

I draw the attention of the Senate to rule 37(1) of our rules, which deals with this. It says:

No Senator shall speak more than once. However, if a material part of the Senator's speech has been misunderstood, the Senator may speak again —

Senator Stratton: Good try, Senator Bryden.

Senator Bryden: The rules continues:

— in the same debate. In such a case, the Senator, with leave of the Senate, shall be permitted no more than one period of five minutes to explain that part of the speech which was misunderstood. In so doing, the Senator shall not introduce any new matters.

Senator Stratton: Are you going to apologize?

Senator Bryden: Because I know the question was seriously put, and because the misunderstanding is obvious to me, at least, I would like leave of the Senate to spend the five minutes that I could be allotted here.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted, Honourable Senator Bryden.

Some Hon. Senators: Shame!

Senator Stratton: Next time you can take questions.

Hon. Pierrette Ringuette: I should like to question the honourable senator on his speech.

Some Hon. Senators: He has gone.

Senator Ringuette: I am sorry, honourable senators, that he left so fast. Thank you.

Senator Lynch-Staunton: Ask Senator Bryden a question.

On motion of Senator Kinsella, for Senator Eyton, debate adjourned.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE SECOND WINTER SESSION,
FEBRUARY 20-21, 2003—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association, OSCE, the Organization for Security and Co-operation in Europe, Parliamentary Assembly's OSCE PA second winter session, Vienna, Austria, February 20 and 21, 2003.

THE BUDGET 2003

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I began this speech on March 25. Unfortunately, because of my activities, and also I must say those of the Leader of the Opposition, I have not been able to return to it until today. I was, of course, expanding on the good news we had just read about our national economy. Let me begin.

[*Translation*]

At the same time last year, Senator Bolduc expressed his concerns about the economic upturn, describing the Minister of Finance's forecasts as too optimistic. In support of his position, he made reference to our neighbours to the South and the prudent scepticism of Alan Greenspan, President of the Federal Reserve Board, and Bob Rubin, the U.S. Treasury Secretary.

[*English*]

Fortunately for Canadians, parallels cannot be drawn between the performances of our two economies. I am pleased to report that, despite the fact that the American economy appears to be slowing and their national debt increasing, economic indicators here in Canada remain strong. Since last year's budget, our national economy has seen favourable growth across a number of significant economic factors. Canada is in an enviable economic position when compared to all of its partners in G7. Over the past year, Canada has led the G7 in growth, while other countries are beset by economic uncertainty. We are the only G7 member expected to declare a surplus last year, and all indicators point to further growth and additional surpluses for this year.

Our standard of living has grown faster than that of any other G7 country, and we are still experiencing favourable economic conditions.

[*Translation*]

The International Monetary Fund and the Organisation for Economic Co-operation and Development predict that, over the next two years, Canada will move ahead of all other G7 member countries as far as economic growth is concerned.

• (1640)

The 2003 budget is the sixth balanced budget brought down by the government. This cautious approach to finances has paid dividends for Canadians. In recent years, we have witnessed increased economic security. This has allowed personal disposable income to increase by 13 per cent in recent years.

[English]

In recent weeks, the Canadian dollar has risen dramatically. How many honourable senators in this chamber can remember the conversations we had in Question Period just a year ago where it seemed that, according to the opposition, we were in a total nosedive and the dollar would never recuperate? I believe the dollar reached 70.87 cents yesterday. The dollar did not go into the depths and has experienced a high-percentage increase in just the last two months. The dollar is at its highest level now in more than five years.

New home construction is also up dramatically. The number of applications for building permits was at a record high at the beginning of this year, and because interest rates remain low, Canadians can afford to buy these new homes.

As a country, we experienced more job growth last year than any other G7 nation, and that growth was disbursed through every age group and geographic region. Last month, while Americans lost more jobs than at any time over the past year, Statistics Canada reported that we created 55,000 new jobs during that same period.

As a result of continuous record payments on our national debt, Canadians today are less burdened by interest payments. The Government of Canada is now able to access funds that were used to service the debt and spend it on more important priorities, such as health care, national child benefits and education.

Honourable senators, the Government of Canada is also committed to reducing taxes, where possible, to reflect the true cost of federal programs. As some programs may have outlived their usefulness and because few programs are meant to continue indefinitely, government expenditures will come under examination. A program review — of all federal programs across all departments — will be instituted by the departments. They will reassess program usefulness and effectiveness and will report their findings to Treasury Board. This review will free up more revenue to spend on new programs that are better designed to fill the needs of Canadians today.

In an effort to reduce the debt, previous budgets focused on minimizing expenditures and not on whether our revenue stream also required adjustment. The current state of the Canadian economy is favourable. Taxpayers deserve to benefit from the sacrifices that they have made. As one of my predecessors, the Honourable Alasdair Graham, pronounced a few years ago, "the elimination of the deficit was not an end in itself." In addition to introducing new initiatives, the federal government is introducing a cost reduction program in several areas.

When the Government of Canada introduced the Air Travellers' Security Charge, we committed to review the costs of this program. This budget reduces the charge on airline tickets by 40 per cent, from \$24 to \$14 for a round-trip ticket within Canada.

I know that Honourable Senator Stratton must have been absolutely delighted with the news that the federal government will engage independent experts to consult on the Employment Insurance Program, and employee premium rates will decrease to better reflect the costs of this program. As honourable senators know, premium rates have been reduced each and every year, but it is clear that we are still collecting more than required and that is what these experts will examine.

[Translation]

Taxes will be lowered in order to encourage investment in Canada. The federal capital tax will be eliminated over the next five years. Small businesses will be eligible for even greater deductions. Taxes will also be lowered in the mineral and natural resources sectors.

[English]

In the past, our budget focus has been on fiscal responsibility and that will continue. However, we are now placing a new focus to improve transparency and accountability.

The Government of Canada has implemented a new financial management system on the recommendation of the Auditor General. The introduction of full accrual accounting will give the government and taxpayers a more accurate and realistic picture of both revenues and expenditures.

Instead of making financial judgments based on information that is limited to current conditions, accrual accounting will take into account the long-term advantages and disadvantages of any particular financial decision. Moving away from a cash-based system and toward accrual accounting will give Canadian taxpayers much better value for the same tax dollars and will enable the federal government to see real financial benefits from its expenditures.

To further improve transparency, federal support to provinces will now be paid through two new transfers: the Canada Health Transfer for health matters and the Canada Social Transfer for post-secondary education and social services.

[Translation]

Increased funding for loans given by the Business Development Bank of Canada will further help businesses. Other institutions like Aboriginal Business Canada, Farm Credit Canada and the National Research Council's Industrial Research Assistance Program will receive additional funding to encourage initiatives that will contribute to their respective sectors.

[English]

Honourable senators, one of the most important initiatives in this budget is increased funding to support the most disaffected members of our society, the homeless. We see them in our communities every day, and we know that solving the problems of so many people who live on our streets is not a simple matter. However, providing shelter will also provide stability and dignity and is a necessary first step in rebuilding their lives.

Over \$400 million will be invested during the next three years to combat homelessness. The Supporting Communities Partnership Initiative will coordinate the transfer of money to the communities and will work together with the communities so that local priorities are identified and addressed. The SCPI, as it is called, will work not only with other levels of government but also with the voluntary and private sectors to reduce homelessness.

Honourable senators, I have been privileged in just the past few months to visit two shelters in this country. The first, the Thompson shelter in northern Manitoba, caters almost exclusively to Aboriginal people who have left their communities and find themselves in Thompson without any form of accommodation. I have also visited the Mission Hospice in Ottawa. I must tell honourable senators that from my own personal experience, the dollars we spend on shelters like that are absolutely irreplaceable in terms of the value we get from them.

It was hard for me to look at the Thompson shelter, which can accommodate only 15 people a night. If the shelter takes in one woman, for example, it can only accommodate eight men because there are two rooms, one for males and the other for females. If just one female needs that room to herself, six men must be asked to leave and sleep rough for the night because the shelter cannot accommodate them. Clearly, they need more space. Hopefully, through this new initiative, they will acquire that.

There is something special going on here at the Mission Hospice here in Ottawa. They have developed palliative care beds. They will treat homeless people who do not want to go into hospital. The very nature of their lifestyle is such that they do not want to be in an institution, so the ability has been established for these people to receive hospice care within the Mission Hospice.

The honourable minister responsible, Claudette Bradshaw, is so impressed with that program that she is reaching out to other shelters across the country to see if they could provide the same type of service.

I should like to draw to the attention of honourable senators that the Supporting Communities Partnership Initiative has been recognized internationally as a model program to address the needs of the homeless. Last year, the United Nations selected the SCPI program as a "best practice" for the UN Habitat International Awards. These awards recognize programs that improve the quality of life in cities and communities.

The Government of Canada has committed to investing \$3 billion to our infrastructure over the next 10 years, including \$1 billion for municipal infrastructure. Part of this money is being directed to the SCPI program and part is being directed to expand affordable housing and to extend the Residential Rehabilitation Assistance Program.

Canadians know that quality of life is not dependent solely upon housing and infrastructure.

• (1650)

Senators have read about the cornerstone of this budget, the five-year investment of almost \$35 billion in health care, the number one program desired by Canadians. This investment is the result of many converging factors. One determining factor is clearly the Romanow Commission on the Future of Health Care in Canada, which reported its findings late last year. The final and decisive cause is the achievement of the 2003 Health Care Accord, the outcome of discussions held earlier this year between the Prime Minister and the provincial premiers.

This outcome, however, would not have been possible without the significant contribution of members of the Standing Senate Committee on Social Affairs, Science and Technology. The Senate committee studied the quality and accessibility of health care services from coast to coast and made comprehensive recommendations to change current approaches and to add new and innovative services. Their work was equally considered. I think, honourable senators, that if you were to examine the recommendations of the Senate committee, the recommendations of the Romanow committee and the actual pronouncements of the health accord, you will find that the report of the Senate of Canada did very well indeed.

I have spoken in the past about the important developments we have achieved in relation to my other position as Minister with Special Responsibility for Palliative Care. I am extremely gratified to report that this health care budget establishes a new benefit funded by the Employment Insurance Fund for six weeks of compassionate care leave. This means that any family member can care for someone who is gravely ill or at the end of life without worrying about sustaining an income during such a difficult period. I have often been petitioned by Canadians for more government assistance during what is a very stressful and emotional time. I believe this is one of the best ways we can provide real support.

Because health care is of such fundamental importance to Canadians, many other aspects of health care are also receiving increased funding. The largest proportion of health funds will go toward helping the provinces and territories improve primary health care, home care and catastrophic drug coverage. We will be, in effect, buying change.

The Canadian Health and Social Transfer will be increased by billions and will also receive an immediate cash infusion of \$2.5 billion to upgrade the current health care system. Money will be provided to develop secure electronic records of patients, to establish a fund to acquire more diagnostic and medical equipment and for medical research.

Canadians view our universal health care system as an essential contribution to our national welfare. They also share a concern for the welfare of our children who will inherit and sustain these social values. Last month, the Honourable Minister Stewart announced that federal, provincial and territorial ministers responsible for social services have reached an agreement to expand early childhood development programs and services. Nine hundred million dollars will be distributed to the provinces and territories in order to improve access to affordable, high-quality child care and early childhood education. It is always important to combine the phrase "child care" with "early childhood education." Children are like sponges. They begin learning from the moment of their birth, if not their conception. From the moment of birth, one need only watch their eyes to know that they learn more each day. Qualified child care must provide not only shelter, but also education. There are also provisions for a new child disability benefit for low-income families, and the list of medical expenses that are eligible for a tax credit has been increased.

I am sure that honourable senators are aware of the importance of the aboriginal and First Nations communities to our Prime Minister. I know that the first Canadians are also of concern to many of you and that they have long had a receptive audience in the Senate. I also know that you have an appreciation of the complexity of the problem facing any government as it attempts to bridge the economic differences between Aboriginal communities and other communities across this country.

[Translation]

This budget contains numerous initiatives to respond to health and other concerns on reserves. As you know, a great many programs contain provisions concerning aboriginal peoples. In addition to these major programs, the budget sets aside specific amounts to protect aboriginal languages and cultures, through the establishment of a new centre that will be directed by aboriginals. The budget also contains increased funding for the First Nations Policing Program and funding to find new ways to meet the needs of aboriginals living in urban communities.

[English]

This budget contains measures to invest further in programs that enhance the quality of life for aboriginals, both off and on reserve. A significant amount of money, \$1.3 billion, will be spent over the next five years to support health programs for First Nations and Inuit. This money will provide for increased capital development, nursing programs and immunizations.

Last summer, I spent a week touring northern Manitoba reserve communities, particularly their nursing stations, hospitals and personal care homes. The quality of care there is exemplary, but the lack of equipment and resources is astounding. None of us living in this part of Canada would tolerate for a minute the conditions that many of them are asked to tolerate.

I will cite one example that blew my mind. In one community, where every patient must be transported out within an hour and a half, they could not afford to buy a \$500 blanket warmer. There are patients there delivering children and suffering from heart attacks and accidents, yet we cannot provide them with a heated

blanket. Finally, someone decided to do that. Someone in the Department of Health authorized it and they got their blanket warmer. However, someone else in the Department of Health decided that they did not need the blanket warmer and wanted to confiscate it. Fortunately, the band council paid for the blanket warmer and it remains in the community. Such a situation is intolerable.

I also learned that individuals were being transported out for a test that could be conducted on the reserve. The cost of transporting a person from that community to Winnipeg was \$900, and they were transporting 50 people a year. The cost of the piece of equipment required for the test was \$5,000. It did not take much arithmetic to figure out that you could pay for the equipment in three months. The logical question was, "If you had the equipment would there be someone available to conduct the test?" In fact, they did have a staff member at the hospital trained to conduct the test. It is my understanding that they now have the required piece of equipment.

Honourable senators, it was an eye opener for me to experience that firsthand. It is not the same to read about it; I have read it about it in the past. It is different to experience it firsthand, to visit the nursing stations, the primary care homes and the nurses providing the care. I was connected with Telehealth, a wonderful initiative sponsored by the federal and municipal governments. An example of the benefits of Telehealth is the case of a young child who had a hernia operation. Under most circumstances, that child would have had to have gone to Winnipeg three or four times. Due to Telehealth, the child went once. The rest of the time, the child was at home supported by family members. That is the kind of innovative technology in which we must invest if we are going to provide the quality of care for our Aboriginal peoples to which they are entitled as Canadians. We must make even more of it available.

• (1700)

The ongoing contribution of aboriginals to our country has given Canada a special cultural heritage. There are other aspects that we identify as uniquely Canadian, including our formation as a country from two distinct European cultures.

Last month I attended an announcement by the Prime Minister and the Minister for Intergovernmental Affairs to devote \$750 million over five years to an action plan for official languages. We have already made great strides in promoting bilingualism among our younger generation. Over the past decade, the number of students who can speak both languages has doubled to 25 per cent. In order to ensure that bilingualism in Canada will remain protected and part of our national identity in the future, we need to increase that level to 50 per cent.

Honourable senators, one of the initiatives of this new program that was important to me was to improve the needs of core French program students. As a teacher, that word makes sense to me but it may not necessarily make sense to you. However, in my province, for example, we have three types of programming. We have children who are in français programs. Those children have parents who are French speaking, and so, other than their course in English, the rest of their curriculum is in French.

We also have programs on early French immersion and late French immersion, early French immersion starting in kindergarten and late French immersion starting sometimes in Grade 4 and sometimes in Grade 7. I must say that many of those teachers are top-notch. They are very well qualified.

However, the rest, and by far the majority, of Manitoban school children who study French do it in what we call core French classes. That means they study French for 40 minutes a day beginning, sometimes, in Grade 1 and sometimes in Grade 4. I believe that we need to beef up core French training. I do not want children to share my experience what where I studied French every single year I was in school, except that it was taught by someone who could not speak French. I learned to write and to read French, but it is very difficult to speak French to anyone if they cannot respond in French. The result was that I did not learn to speak French even though it was in the curriculum and I studied it. Unfortunately, it was not good enough.

Therefore, we need to improve the training of core French teachers so that all children have the opportunity to learn to speak the French language, and I would suggest it is probably equally true that, in Quebec, they need to have good solid core English training so that they may learn to communicate in the other official language.

One area of our Canadian culture that interests me a great deal as a former teacher of Canadian history is protecting our heritage. We are investing \$30 million over the next three years to provide financial incentives to the private sector to preserve historic places. This will not only rejuvenate some of our most beautiful buildings, it will also encourage economic growth in the surrounding areas, which are often located in the oldest and most neglected parts of our cities.

This budget extends beyond our health, our children and our communities to our national borders and protecting our collective global welfare. The multicultural nature of our country has meant that Canadians have an innate sense of the importance of world affairs. We know that Canada occupies a special place among other nations and that we can play an important role in international relations. However, security for Canadians means not only national defence, but the security that comes from living in a world governed by peace and economic prosperity.

This budget includes \$800 million for our Armed Forces, with an additional \$250 million immediately upon the announcement of the budget. It also contains a \$1.4 billion increase over three years for international assistance. Canada is on track to double its international assistance by 2010, because we believe that a more equitable balance amongst nations will be able to diminish conflict, and there was no more important national initiative announced by the government than the Prime Minister's Africa fund.

[Translation]

In order to strengthen the country's economy, we will invest further to expand trade with our main trading partner, the United States.

We will also be setting aside money in contingency reserves for security, to respond to unexpected security needs, including border security.

[English]

When this government was first elected, we made a fundamental promise to Canadians to implement a sound economic strategy. We were committed to a long-term plan to not fall into a deficit position and to not add to our national debt. Honourable senators will know that only eight years ago our federal debt load peaked at 71 per cent. Last year our debt load decreased to 46.5 per cent, and the federal debt itself has been reduced by \$47.6 billion. We knew that our social obligations could be better met if we had more tax dollars available and fewer tax dollars committed to paying down our debt.

This budget, with its emphasis on social expenditures, provides a counterweight to previous policies. Canadians are now in the fortunate position of being able to match financial responsibility with social responsibility. We are building the Canada we want, a country that is economically strong, culturally unique, and without parallel in caring for its citizens.

Hon. Senators: Hear, hear!

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question.

The Hon. the Speaker: Senator Bolduc, following upon Senator Grafstein's question, I will turn to you for the adjournment.

Senator Grafstein: At the outset I have a comment. The senator made a very moving assay into the renovation of Aboriginal health care. She will recall that the Standing Senate Committee on Energy, the Environment and Natural Resources produced a unanimous report outlining a means of renovating drinking water facilities on reservations. Could she tell us what progress has been made with respect to the government's promises to deal with that situation on the reservations?

Senator Carstairs: I thank the honourable senator for that question. I can inform him that much of the \$1.3 billion will be specifically directed to improving water quality on the reserves. Obviously, good health and good, healthy lifestyle indicators are dependent on having good quality water. He knows better than most others that there are many reserve communities, even in my own province, that would not do well on independent evaluation testing done on their central water supplies.

Hon. Roch Bolduc: Honourable senators, the Minister of Finance's budget speech two months ago focused on five key points: the health of Canadians; Canadian families and communities; the economy; Canada in the world; and management of public spending and accountability.

Before I address these five points, let me say straight off, honourable senators, that my overall impression is that federal budgets have become meaningless. The discrepancies between projection, budgets and the facts are such that we are now forced to rely on the past, that is to say, the accounts certified by the Auditor General. We see a situation where revenues from taxpayers are growing rapidly and the government is spending that money hand over fist, based not on the real needs of Canadians but on the pressure from taxpayers grouped with the most effective voice organizations.

The 2002-03 fiscal year is a striking example of that. Program spending increased 11.5 per cent, or \$14.3 billion, yet the economy grew at much less than half that pace. To those who would reply that it is because of health care needs and the threat of war, I say that other spending increased 7.3 per cent this year, twice the rate of economic growth.

The budget contains an additional \$50 billion in spending over three years. Moreover, when it comes to spending public money, the government mimics the ex-PQ government in Quebec, using the smoke screen of five-year plans to beef up the amounts without knowing whether the government will still be in office then to dole out the money to those with the loudest voices. Nor are we given any numbers for spending and revenue beyond next year, leaving us to wonder what they are trying to hide.

• (1710)

Gone are the days of moderation and frugal handling of public monies. As an example, now we have 39 ministers in the federal cabinet. That is not a cabinet; it is an assembly. Another example is that nearly half a million people now work in the public sector in Canada; that is to say 450,000 people. Only one third of them work in the public service proper. The others are in Crown companies, special agencies and all those organizations that are outside the civil service. Instead of changing the laws of the civil service to accommodate and modernize the situation, we hire people outside of the public service, but they still work for the government.

Nowadays it seems that leadership battles and the health of the party come before the health of the country. The minister was exaggerating when he said that we are in a time of prosperity. I have news for him. The world economy is in a very bad situation. Those who know what is going on in the world are aware that the Americans have been experiencing for the past three years — and will continue to experience for some time to come — the worst devaluation of their stock exchange assets since the 1930s.

Japan has been in a recession for 10 years despite massive injections of government money that have produced no results in terms of economic growth at all. Public expenditures were 30 per cent of the GNP; now they are 40 per cent. That is a tremendous move for an economy of about \$4.5 trillion. Yet the economic growth is zero in Japan and Japan is a major contender. We always speak of France, but France is a peanut by comparison to Japan — a big peanut but a peanut nonetheless.

The economy of continental Europe, despite the economic bravado, has been in a slump for quite a while. In the past two

years, the United States has lost 2 million jobs. In March of 2003, 300,000 people lost their jobs in the United States.

I forecast a year ago that we might witness a double-dip recession in the United States. We are in it right now. I am telling honourable senators that the impact on Canada is coming pretty soon.

Senator Carstairs gave us good news about the Canadian economy. Let us wait another six months and see what happens. I do not hope to be right but we shall see. Those who think things are going well are living in a dream world. The fact that federal statistics cast Canada in a favourable light compared with other G8 countries does not mean we are in a paradise. We are far from it in fact. I urge senators to read the very powerful speech that Mr. Brian Mulroney gave a few months ago in Halifax.

The minister tells over and over about the good things that the OECD found in our economic statistics in November 2002. He forgets to mention that the OECD also pointed out that taxes are too high in Canada. Productivity is barely improving relative to other countries and the market is too rigid. The OECD also says that this is a bad time to introduce fiscal incentives like increased government expenditure that does not create wealth.

What has Mr. Manley's budget done? It has done the exact opposite. Tax cuts are non-existent or so small that they are a joke, yet spending has been increased by an inordinate margin without looking at the validity of the many programs already in place. I am disappointed by Mr. Manley who, after seven years at the Department of Industry, struck me as fairly sensitive to Canada's weaknesses in terms of productivity. I figured he would mark his arrival as Minister of Finance with a bold initiative, perhaps a corporate tax cut that would lower production costs and help corporations become more innovative through investment in research and more sophisticated equipment — but, no. The budget offers only scraps: 12 cents in Employment Insurance contributions; \$5 per airline ticket; peanuts in terms of increased RRSP contribution limits; and a five-year phase-out of capital tax. That is all the minister did to ease his conscience over the very problems that account for the gap between our standard of living and that of our neighbours. He, therefore, did almost nothing to stimulate growth in the productivity of the labour force — GDP per worker. To wit, in 1995, we were 15 per cent behind the United States in manufacturing. Six years later we were behind by 33 per cent. Those are averages, which means they cover the spectrum from our strong sectors like resources and our weak sectors like machinery and electronic equipment.

From 1990 to 1995 and 1995 to 2002, average annual growth in the GDP per hour was held steady at 1.5 per cent in Canada while the American rate increased to 2 per cent for the last seven years, even though they are in a slump. I should add that in the past year direct foreign investment in Canada has dropped sharply and Canadian exports to the United States have also decreased.

As for the rigidity of the market, the minister promised smarter regulations, but we have been hearing that old song for about a decade now.

Honourable senators, I want to come back briefly to the OECD reference to productivity, as it is essential that I bring the minister back down to earth regarding our relative wealth. We have tumbled to fourteenth place among OEDC countries in terms of R&D spending. That is lower than Sweden, which has barely a third of Canada's population. We dropped from third to eighth place in terms of competitiveness while Mr. Manley was industry minister. Our standard of living measured by per capita GDP fell from second to seventh place among OECD countries. That value uses the purchasing-power parity exchange rate in order to eliminate variations in the cost of living and the market exchange rate. When American states and Canadian provinces are ranked in terms of wealth produced, only Alberta holds a respectable position, with Ontario far behind and the other provinces at the bottom of the list. That is nothing to crow about as the minister did in the House. He even mentioned by name every Liberal MP whose riding would be getting special treats in this budget, as if he were arrogantly trying to buy votes at the next convention. It was an indecent thing to see on TV. I was in Florida looking at that and I was scandalized. Needless to say, power changes people.

Let us turn our attention to the first highlight of the budget.

[Translation]

What about the government's health policy? In terms of policy direction, nothing has changed, except that, under pressure from the provinces, the government signed an agreement for the transfer of additional funding, combined with a return to specific purpose subsidies imposed by Ottawa.

[English]

Big Brother knows best how to cure our problems in Vancouver, in Regina, in Montreal and in Saint John.

[Translation]

Yet there was there was no shortage of opinions; there was the report of the Clair Commission in Quebec, the Kirby report, the Mazankowski report and the Romanow report, in which the government picked only two conclusions: to invest additional funds and dismiss private sector involvement.

In a nutshell, the government is revelling in the good old socialist model created by the Liberal Party in England following the Second World War. In Canada, it is regarded as a mortal sin to accept contributions by the private sector, despite the fact that they are accepted in almost every other developed country.

They are accepted in Austria, Australia, Belgium, Denmark, France, Germany, Holland, Italy, New Zealand, Spain, Sweden and Switzerland. And even in socialist Tony Blair's England.

• (1720)

But, for us in Canada, this is not acceptable. I guess all these governments are deluded somehow. We are the only one to be in step, as noted by Jeffrey Simpson in *The Globe and Mail*.

I might add that among industrialized nations with a universal health care system, Canada has the most expensive system. The system is more expensive in the United States, but access is more limited.

Among those with universal access, Canada's system is the most expensive. It accounts for 10 per cent of our GDP. Still, our ranking in terms of results — expectations, hi-tech equipment, and so on — based on meaningful indicators, is very average. In other words, there is no proportionality between the money spent and performance.

For example, take expectations versus expenditures in Saskatchewan. Canada, the government and the bureaucrats at Health Canada have not grasped the fundamentals of the problem yet. What are they? First and most fundamentally is the aging of the population, thanks to the advancement of modern medicine. Over the past century, life expectancy has increased by 30 years to approximately 80 years. In 20 years, the number of seniors 65 and over will have increased by 75 per cent and seniors will account for 20 per cent of the total population.

The second major statistic represents health care expenditures that increase with age. In 2000, persons aged 65 and older represented 13 per cent of the population and 45 per cent of health care expenditures in Quebec. Average annual expenditures were \$2,095; for persons aged 65 and older, health care cost \$7,330 or three times the average.

For the past 20 years, aging has been responsible for a 22 per cent increase in health care expenditures. Twenty years from now, this phenomenon will result in a 36 per cent in health care costs for care, medication, technologies and so forth. Health expenditures are expected to double over the next twenty years. Health care is costing us \$100 billion or 10 per cent of the Canadian economy.

To this increase, we must add not the cost of overall inflation, which would be 114 per cent over a twenty-year period. This sector is characterized by stronger inflation, set at 148 per cent.

The number of working Canadians will decrease due to the aging of the population and the low birth rate. For the past thirty years, the number of Canadians aged 65 and older has more than doubled: from 1.7 million, there are now 4 million seniors or one in six adults or one in eight Canadians.

In 2021, some 6.7 million Canadians will be over the age of 65 or one in four adults or one in five Canadians. In 2041, when today's graduating classes will be nearing retirement, 9.2 million people will be over the age of 65, or one in three adults or one in four Canadians. There will be fewer workers to support the costs of the system, set at \$3,149 per capita now and at \$8,500 in twenty years. Personal income will not increase enough to meet the anticipated rise in costs. These three trends indicate that the current system is headed for sudden death.

Delaying a serious overhaul of the system is an irresponsible government attitude both for Ottawa and for the provinces, but especially for Ottawa, which is setting the rules of the game.

I want to come back to Senator Kirby's report, which is better than Mr. Romanow's. There are some questionable points, but he is betting on the incentives. Without this, the health care system cannot be reformed.

[English]

The Hon. the Speaker: Senator Bolduc, I am sorry to interrupt, but your time has expired.

Senator Bolduc: I am only beginning.

The Hon. the Speaker: Honourable senators, is leave granted to allow the honourable senator to continue?

Hon. Senators: Agreed.

[Translation]

Senator Bolduc: Everyone is in a rush to focus on changes to the system's administration, including Senator Kirby in his report. This, however, barely impacts upon eight to ten per cent of costs. So that is not the way of the future. It must be acknowledged that the Kirby report was more analytical than the Romanow report, and refers to the central role of incentives in any reform.

The present system has some serious unintended effects; for instance, the fact that services are free creates an inefficient and excessive demand on services of up to 30 per cent. No one will admit it, but that is the fact of the matter.

Another example: fee-for-service encourages overproduction of services. The "moral hazard" must be reduced and use must be made of means such as cost-sharing in connection with demand, and managed care in connection with supply. In other words, the system must be provided with a plan that makes it naturally possible to cut costs while still providing services.

There are complaints about physician shortages in Quebec. Yet the funding scheme imposes quotas on faculties of medicine, encourages physicians to retire early, and imposes limits on their salaries. So we see them playing golf on weekdays because they have reached their limit. They work three days a week because they are not allowed to earn more than \$200,000 or \$250,000 annually. The problem is not a shortage of physicians! Let them work. Let the ones who want to work 6 days a week do so. That will solve the problem. The present situation is ridiculous, as well as tragic for those who are waiting for surgery or other treatment and for whom time is of the essence.

People must look out for their own futures. Individual workers should be able to create their own health fund, tax-free, which would be cautiously invested to meet future costs. This is the same

principle as for retirement savings, and the reasons are similar. It is not popular to speak this way in an era in which there is a welfare state, where the majority of people expect the State to look after them, as if people were incapable of looking out for their own futures. What an illusion!

It seems to me that the past follies of Canada Pension Plan management — for instance, from 1965 until 2000, when the government loaned money to the provinces at below market rates — should convince people that State-supported social welfare is a necessary escape route. Such welfare is not for everyone, but for the eight to ten per cent who comprise life's walking wounded, the mentally handicapped, people with major physical handicaps, those in long-term care, victims of serious accidents or people suffering from any serious illness that deprives a family of an income.

The Manley budget, in addition to health care, will provide support to Canada's families and communities. The government, instead of reducing everyone's tax rates, discriminates in favour of some categories and against others. Ottawa makes the decisions about tax expenditures because it knows better than the taxpayers how to spend their money.

A look at the latest report on all tax expenditures, including exemptions, deductions, tax credits, deferrals and other credits, reveals a frightening number of possible situations. They are all the more complex because in many cases they create feedback, making work for lawyers and accountants. The economic impact of these measures is unfortunately hard to estimate.

The government is giving itself five years to erase the capital taxes that have such a negative effect on businesses in their struggle for increased productivity. I would like to emphasize that social costs have increased by 2.5 per cent per \$100 of profits in ten years. This is a sizeable bite out of salaries and company earnings. As for infrastructure subsidies, they are a simple and politically worthwhile way to distribute money, rather than reforming the tax system in such a way that regional governments could retain their independence and not depend on patronage to provide a decent standard of living to their residents.

That reminds me of the arguments between Georges-Émile Lapalme and Duplessis in the 1950s, back when the current Prime Minister was a student at the seminary in Trois-Rivières.

[English]

The third part of the 2003 budget is devoted to the economy. I noticed right off the bat that the government wants to help small business with a \$100,000 increase in the small business deduction over five years. Think of that — \$20,000 a year and only for those who are incorporated. If a business is not incorporated, it does not get the deduction.

Most small business people in Canada work from their homes. They are not incorporated. It is the minority that will get the deduction. That is some relief.

[Senator Bolduc]

The RRSP situation was so ridiculous that the government must have felt so embarrassed that it raised the contribution limit slightly.

Like his predecessor, the minister mentioned Canada's tax advantage over our neighbours to the south. That advantage may be short-lived if the Congress accepts the proposal of President Bush. Mr. Manley forgot to tell us that his government has taken \$55 billion more out of taxpayers' pockets this year than in 1994. Tax revenues increased from \$106 billion in 1994 to \$161 billion in 2001-02.

• (1730)

The orgy of additional spending over the past few years was made possible by taxes that have been too high for eight years, and a tax incentive that was entirely out of place in the economic circumstances, which the Bank of Canada quickly sanctioned, as only it can, taking into account our inflation rate which is the highest of the G7, but no one talks about that.

The government misjudged the worldwide economic situation and I referred to that earlier. I feel a need to come back to this because it is more serious than people realize. The value of American assets has dropped by an estimated \$7 trillion, which represents a loss of 40 per cent of the total Standard and Poor's Index. That is the equivalent of 70 per cent of the American GDP and 10 times the one-year value of the Canadian economy. Elsewhere in the world, the loss is comparable. Indeed, there is talk of deflation of U.S. \$13 trillion, or more than one-third of the gross world product or 20 times more than Canada's GDP.

People are talking as though Canada is doing just fine economically. Well, we have been doing relatively fine for only a very short time. That is the reality.

It will take time for the massive over investment made in recent years in some sectors of the economy, \$2 trillion for example in communications, to be absorbed. Business and individuals, too, are overburdened with debt because stock prices are historically overvalued by 20 per cent to 25 per cent, perhaps even 30 per cent, and interest rates are low. There is a risk of worldwide deflation because there is only so much that the federal reserve can do.

Honourable senators will recall what Mr. Greenspan said in 1998, but we know that he did not do anything about it because there was a federal election in Washington; and he complied with the government. That is not why he is paid. Therefore, we have paid for it since.

The result is that the growth rate will stay low for longer than we had hoped. The rise in real estate prices is also coming to an end. With the globalization brought about by technology and our trade dependence on the United States, the impact of these major shocks is certain to be felt in Canada soon.

Nor should we believe that the problem of Canada's public debt has been solved. With the switch to full accrual accounting, the

federal debt dropped to \$507 million but the net debt is \$563 million because of commitments that were not accounted for in the old system but are accounted for in the new one, such as the requirements for the public pension plans. As well, on a cash-flow basis, the government has a \$5.8 billion shortfall this year.

The fourth part of the budget will deal with the very important subject of Canada's foreign relations.

[Translation]

The government has added one billion dollars to the defence budget. That is not how we will make ourselves credible with NATO. It will not be taken seriously. It is becoming an embarrassment, what is happening to us: we can no longer defend ourselves. We were never able to do so, but at least previous governments, starting with St. Laurent, knew we were not capable of defending ourselves. The country has a vast territory, but we are unable to defend it. We therefore concluded an agreement with the United States for NORAD. It made sense.

Today, people are wondering whether we should join the Northern Command. Why refuse it? We are not being realistic. I listened to the debate on Iraq. I listened carefully and I followed other perspectives than the American perspective. I followed TV5, France Presse and a number of other media outlets.

We behaved like children in Canada. There was even a cabinet minister who railed against the President of the United States. And the government did not give him the boot. That is what we call leadership? Just thinking about it makes my blood boil.

At least previous governments were realistic enough to conclude agreements to ensure our protection. However, the government, based on some strange notion of sovereignty, is still waffling on whether or not it should accept a security perimeter that would include us. As for our traditional involvement in NORAD, it is not clear that we will be providing the same for the Northern Command. I will come back to this later, because I want to make a speech on security and I have comments to make regarding the subject. I have wanted to talk about security for years now.

Our relations with the United States are very strained. It is as though we were going out of our way to make problems: diplomatic problems, trade problems, a weak presence in states that import, and so on.

For example, we are represented in some 10 or 15 places in the United States, however, in Mexico, the number is 40. There are more Mexican representatives in the state of Texas than there are Canadian representatives in all of the United States. It is ridiculous. Three quarters of our budget for the Department of Foreign Affairs goes to Europe, but we do nothing with Europe. Most of our trading is done with the United States. But we invest in Europe, not Asia. We should have people in Asia and the United States. It is fun to go to Europe because they are our cousins in terms of culture. We have a great time with the Europeans. However, Canada's reality and future do not lie in Europe. The Department of Foreign Affairs needs to wake up and redirect its resources.

In today's tense situation, we are still torn between the United States and Europe, in spite of the fact that, commercially, the European countries have been snubbing us for 25 years, while we were bringing peace to their backyard.

As far as international assistance is concerned, we have yet another white paper on the discretionary direction of the Department of Foreign Affairs. After providing assistance for nearly 40 years, and in excess of \$100 billion of funding, we still do not know what impact it has had in real terms on developing countries.

It may be appropriate to note here that the increase in the standard of living in Asia came about more specifically after the free market economy was introduced, which goes to show that economic growth benefits the poor as much as the others. It is important that the world know that globalization and international trade promote economic growth and that economic growth is good for the rich as well as for the poor. This is a significant fundamental fact.

Some Hon. Senators: Oh, oh.

Senator Bolduc: That is what is happening. In Asia, three billion people have seen their standard of living increase, honourable senators. In Africa, they were not so lucky, but in Asia, they were. I am familiar with the area, I visited it; I can vouch for that.

I also note that CIDA is still without a legislative framework to define its objectives, policies, principles, policy principles, resource allocation criteria and accountabilities. I intend to make a short speech in the near future and hope to garner support in this regard.

[English]

The last highlight of the budget is public funds and accountability. The government has finally switched to full accrual accounting, which is an administratively sound move. However, I note that the minister was being virtuous when the timing was right. This was an excellent pretext for committing, before the end of the fiscal year, amounts to be recorded in the financial statement that are much larger than those in the budget, especially since billions of dollars earmarked for innovation went into bank accounts and are still there.

With regard to foundation accounts, the government justifiably had its ears boxed by the Auditor General and by the Standing Senate Committee on National Finance. It finally made a commitment to be a bit more transparent. The fact remains that, in any event, we will have new legislation to patch things up with regard to Parliament, even though the Auditor General, our agent, will not be able to conduct an independent value-for-money audit in those areas. If the minister wishes to reassure worried investors, I suggest that he review some of the government's business rules in the Canada Corporations Act, and that he not go to war with the provinces over the securities market but that he offer mediation instead.

[Senator Bolduc]

[Translation]

I am returning to this because some dumb things have been done. Coming from the private sector, from the market place, as I do, I can still admit this. A lot of dumb things have been done in the United States and Canada as far as executive salaries are concerned. I am not saying that regulations are needed to change this, but someone must at some point make them realize that a dumb thing is a dumb thing, even if done by a businessman. They generally have pretty good judgment but have lacked judgment in the past five years as far as salaries are concerned. They went way too far. In certain cases, I would say it came close to being conflict of interest. When you inflate financial statements in order to make sure the stocks go up, and when you start messing with stock options — yikes, that is really going too far.

Senator Robichaud: That was not right.

Senator Bolduc: It certainly was not.

• (1740)

[English]

Incidentally, this could, to some extent, help bring foreign investment to Canada since our share of this worldwide activity is so small. I reiterate the warning sounded by the President of the Royal Bank over the loss of head offices. The minister plans to reallocate funds — out of \$143 billion, he wants to identify \$1 billion for reallocation. This is not what we would call a comprehensive review of the existing programs when we consider, for example, the gun registry fiasco.

Finally, the President of the Treasury Board has tabled draft reforms of the Public Service Act. We are going to look at them very closely in committee because they contain some disturbing things. In the meantime, I would like to draw your attention, honourable senators, to a tendency to exaggerate somewhat in the public service.

I now want to talk about administrative expenditure. The example come from high up. House of Commons expenditures increased \$37 billion in one year. This reflects the artificial atmosphere in which our representatives live with the peoples' money. Honourable senators, a \$37 billion increase in one year on the other side is a big increase.

Almost all senior public servants receive sizeable performance bonuses in addition to very good salaries, yet the Auditor General finds that the measurement of service performance is loose.

[Translation]

Departmental performance assessments are never available. This is too complicated, we are told. Yet administrators get a performance bonus. We are not able to evaluate administrations, but we are able to evaluate the performance of the administrators. Really now, this is ridiculous!

[English]

In the same vein, how can anyone rationalize the analysis of responsibilities and performance evaluation for an income of almost \$500,000 for the President of Canada Post, as one example? Canada Post is a corporation with a monopoly — no one can deliver a letter, as you know, for less than 48 cents — that can raise stamp prices whenever it wants. Certainly, all that is missing is options. It is a monopoly. He can raise the stamp prices as he wishes, and we pay the guy \$500,000 a year. It is not serious. Somebody somewhere is being silly.

These excesses are indicative of a profound change in ethics in the public service. Public servants want to be like entrepreneurs but without risking their own capital and the possibility of bankruptcy.

I had the honour of working in the Quebec public service and dealing with the federal mandarins of the day, the Robert Bryces, the Sharps, the Robertsons, the Johnsons and others. I can assure you, honourable senators, that they were not serving their country for the money; and they did not need performance bonuses to increase their motivation to work.

Perhaps I am longing for days gone by, but there was a time when quality was established at Finance and Foreign Affairs. Deputy ministers and other public servants were later drawn from that pool of distinguished human resources. Let us hope that the tradition is not dying.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to move adjournment of the debate, in the name of Senator Meighen.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with the cooperation of the honourable senator, if we were to follow the custom of going back and forth between government and opposition, Senator Morin would like to speak. If he is in agreement, I will move that debate be adjourned until the next sitting, in the name of Senator Morin.

Senator Kinsella: Agreed.

On motion of Senator Robichaud, for Senator Morin, debate adjourned.

NEW CONSTITUTION FOR IRAQ

INQUIRY—DEBATE ADJOURNED

Hon. Gérald-A. Beaudoin rose pursuant to notice of April 29, 2003:

That he will call attention of the Senate to a possible new Constitution for Iraq.

He said: Honourable senators, there is much talk of a new Constitution for Iraq. Some have even mentioned federalism, including the Prime Minister of Canada. The idea is gaining ground. That country must adopt a new Constitution and the

federal formula could be appropriate. In certain cases, federalism is the answer. It all depends on the country that needs a new Constitution. Canada could be a worthwhile model.

Before talking about federalism, there are unavoidable political steps which must be taken first. First of all, there must be order and peace. Iraq is in a difficult transition period.

Then a democratic system will have to be established. The Iraqis must, of course, choose their own system. It is not up to us to impose one on them.

The foundation should be solid, including the rule of law, the supremacy of the Constitution and the separation of great powers. That is the very basis of democracy.

It will be important to have a real separation between the Church and State. Right now, Iraq is allegedly a secular state; Islam is the state religion. The State must be secular both in theory and in practice. Citizens must be free to choose from one or several religions, or none. This is a difficult problem to solve. It took a great deal of time for the Western world to do so. However, it must be considered from the outset, before even broaching the issue of federalism. The problem of religion must be solved first.

Canada, the United States and several democratic federations have constitutions that, as interpreted by their supreme or constitutional courts, respect the separation of Church and State.

At this point, it is important to define federation and confederation. A confederation is an association of independent states that have one or several common objectives. A federation is a country where the powers are shared between the central government and the regions. I highly doubt that Iraq would be interested in a confederation. As for a federal State, I think it is possible.

When we talk about modern federalism, we think of the United States, Switzerland, Canada, Australia, Germany and Belgium. Currently, there are 24 federations in the world.

After the American War of Independence, the 13 States opted for a confederation formula. The articles of this confederation were proposed on November 15, 1777 and came into force on March 1, 1781. This form of government was provisional. It did not end up being the ideal solution for the States.

• (1750)

In the summer of 1787, in Philadelphia, representatives from the 13 States adopted a federal Constitution after four months of discussion, and a confederation was replaced by a federation. The Constitution came into force on March 4, 1789.

The United States is still a federal State. From 13 States at the beginning, it has grown to be 50 today. The federation is working very well. True, there was a civil war from 1860 to 1864, but President Abraham Lincoln managed to salvage the American federation.

Switzerland made the transition from a confederation to a federation in 1848. In 1867, Canada adopted a federal government system following the Charlottetown Conference and the Quebec City Conference, in 1864, and the London Conference, in December 1866.

Our federation has grown. In 1867, Canada's population was approximately three million. Today, it is 30 million, or ten times as many. Canada is a member of the G7, and a number of countries, including Australia, India and South Africa, have modelled their government systems on our federal system.

Australia became a federation in 1901. Germany adopted a federal system in 1949. This system is working very well indeed. Belgium became a federal State in 1993, while India has been one since 1950 and Austria, since 1920. Russia has also become a federation.

At present, 2.4 billion individuals are living in a federal system, worldwide. That is a significant number. In Canada, at constituent assemblies from 1864 to 1867, John A. Macdonald made it no mystery that he would have wanted a unitary State. George-Étienne Cartier, in Lower Canada, and Joseph Howe, in Nova Scotia, made him change his mind. Cartier was the key figure in connection with the establishment of federalism in Canada.

No Constitution is perfect. It has to be made to measure, and it will be the same for the Iraqis as for everyone else. They will have to develop their own system. In a federal State, power is necessarily decentralized, whereas in a unitary State, it is centralized. There are, however, varying degrees of centralization and decentralization.

In countries where religious and ethnic backgrounds are varied, *prima facie* federalism is often what comes to mind spontaneously.

The kind of federalism in place in 24 countries varies from one federation to the next. Of course, in these federations, the powers are divided between the central government and the regions. This is at the very heart of federalism. But the separation of powers varies from one federation to the next. It could not be any other way.

Furthermore, federalism takes the form, at times, of a parliamentary government system; at others, of a presidential democracy; at still others, of a democracy based on both models. This kind of system might work well in one country and not in another. As Montesquieu said, it is luck if one country's regime produces the same results in another.

Care must be taken with things that are borrowed. The British parliamentary system has worked well in Canada, Australia and in other federations. The presidential system that is popular in the United States and in some other countries is not necessarily successful everywhere. A federation can be more or less centralized. What distinguishes a unitary State from a federal State is the way sovereignty is shared by the centre and the

regions. This is what we call federated States, provinces, Länder or townships; it is also a list of powers, a provincial list and a federal list.

Canada is a good example of federalism. A unitarian State is just a government. It can be very centralized or very decentralized. The United Kingdom, a unitarian State, is decentralized, with the devolution of some jurisdictions to Scotland, Wales and Northern Ireland. France, another unitarian State, has remained centralized, however.

Let us come back to the distinction between a federation and a confederation. All the more so since two federations, the United States and Switzerland, were confederations before opting for the federal State model. The European Union is a kind of confederation, with some characteristics even of a federation.

Austria-Hungary was a confederation from 1848 to 1916. As I mentioned, a federation is a country where the centre and the regions share sovereignty. A federation evolves. It is subject to centralization and decentralization. This is quite normal for this type of government. We need only read the history of Australia, Brazil, the United States, Mexico, Switzerland and Canada to be convinced.

It also evolves according to the decisions of courts through constitutional amendments, more than twenty in the United States and Canada, as well as through administrative agreements. The courts play an important role in some federations. This is true for Canada, where the judiciary is strong, independent and controls the constitutionality of legislation. This can vary from one federation to another. The independence of the judiciary is one of the components of a great democracy.

A number of countries that have emerged since the Second World War and the Universal Declaration of Human Rights in 1948 have entrenched a charter of human rights in their constitutions. These are models to be followed by unitary States and federal States alike.

Justice Charles Evans Hughes of the United States went so far as to state:

[English]

The Constitution is what the judges say it is.

[Translation]

That may be debatable. In twenty years in Canada, the Supreme Court has made more than 450 decisions about the Canadian Charter of Rights and Freedoms, while continuing to rule on the division of powers. Thus, our control over the constitutionality of laws is both rigorous and effective. Such judicial control is admirable.

The power to appoint judges to the Supreme Court is a significant power. In Canada, it belongs to the Prime Minister and, in the United States, the President's choice is subject to confirmation by the Senate. In Canada, the Supreme Court is a general appeal court as well as our constitutional court.

The Hon. the Speaker: Honourable senators, I am sorry to interrupt Senator Beaudoin, but it is now 6 p.m. Does it please the honourable senators not to see the clock?

Hon. Senators: Agreed.

Senator Beaudoin: In other federations, such as Germany, the constitutional court is distinct and only rules on constitutional cases. Both systems have their virtues. Those were just a few words on federalism: the subject is very broad.

A new Constitution for Iraq is the subject of much debate. But it must be remembered that before a federal formula for Iraq can be discussed, there are a number of fundamental political problems to be solved. These problems will be very hard to solve, and courage will be required in order to start down that path; I wish the Iraqis great courage.

• (1800)

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, at the very beginning of his speech, my honourable friend made reference to the Prime Minister being in favour of a federal Constitution for Iraq. Could he clarify what he has said, please?

Senator Beaudoin: This is what I have heard in the news. I do not know on what occasion. It was about two or three weeks ago. He said that Canada might serve as a possible model for federalism.

Senator Lynch-Staunton: He meant the Liberal Party.

Senator Beaudoin: This is why we refer to the Confederation of Canada. However, we are not a confederation like Europe; we are a federation. As a federation — and of course I am prejudiced — it is one that is very good. The Canadian model has served Australia, which we know very well. It has served India; it has served South Africa. Even if the South Africans say they are not a federal state, they are. The Prime Minister said that Canada might serve as a model.

The purpose of my speech is to say if Iraq wants to have a federal state, they may acquire some inspiration from our country. However, before concluding that the federal system is the best for them, although it is probably the case, they must solve three difficult problems: peace, order and the separation of the state and the church. The third problem is very difficult because even in our country it has taken many centuries to separate the state from the church. It is very difficult, but we succeeded. The Supreme Court has said again and again that this is one of the fundamental bases of democracy.

Senator Kinsella: Honourable senators, will the federation model recommended by the Prime Minister include a clarity provision in terms of the Kurdish section of Iraq when it secedes, or will it be a federal model like that of the United States or Mexico, where secession is not possible?

Senator Beaudoin: The United States started with articles of confederation, which lasted for less than 10 years. Then, they drafted a masterpiece in four months in Philadelphia. It was unbelievable, but they succeeded. However, their Constitution, although fantastic, is not without fault.

I remember that the wife of John Adams, the second president, sent a letter to her husband saying, "You think the Constitution of the United States is the best in the world, but men and women are not equal." There was also a difference between Black people and White people. Gladstone said that the American Constitution was the best ever. That may be true, but it is certainly not without some failures or weaknesses.

In Canada, we have had only one system since the union of Lower and Upper Canada. We have succeeded as a federal state; there is no doubt about that.

Honourable senators, nothing is perfect.

On motion of Senator Stratton, debate adjourned.

The Senate adjourned until Wednesday, May 7, 2003, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, May 7, 2003

—◆—
THE HONOURABLE DAN HAYS
SPEAKER



CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Roch Bolduc: Honourable senators, in my address on the budget yesterday, I must have misspoken myself. In rereading the record, I have noted three things that radically changed what I wanted to say.

First of all, on page 1284, the third paragraph refers to an additional \$50 billion in spending, and it should be \$25 billion. Perhaps that has to do with my accent in English.

Second, on page 1284 in the second-last paragraph on the right hand side, the French reads as follows:

— et les exportations canadiennes vers les États-Unis ont également augmenté.

This should have read:

— et les exportations canadiennes vers les États-Unis ont également diminué.

Finally, on page 1288, in the sixth paragraph in the right hand column, there are two references to 37 milliards de dollars in French, and billions in English, when in fact they are millions of dollars.

This is not a criticism, of course, of the translators or the stenographers. On the contrary, I think they are wonderful, considering how fast I speak in French and how badly I pronounce English. It is understandable that a few mistakes can creep in.

THE SENATE

Wednesday, May 7, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

MOTHERS AGAINST DRUNK DRIVING

Hon. Marjory LeBreton: Honourable senators, representatives of Mothers Against Drunk Driving, MADD Canada, were in Ottawa yesterday and are today. They are meeting with ministers, members of Parliament and staff. They are urging parliamentarians to introduce new legislation that will ensure more effective impaired driving laws, safer roads and a reduction in the number of deaths and injuries as a result of impaired driving.

These MADD Canada spokespersons are all mothers who know first-hand the tragedy and pain of losing loved ones. They are here to press for new legislation, to enhance police powers, to eliminate certain defences, to eliminate conditional sentencing and to commit Parliament to a regular review of impaired driving laws. MADD Canada's proposed measures are achievable. Parliament can easily introduce and implement these policies.

As a result of these two days of meetings, MADD Canada will be issuing a Mother's Day report on the federal Parliament. This report will identify the next steps in bringing in more effective drunk driving laws to Canada.

I wish to thank these mothers who spent the past two days in Ottawa. It takes a tremendous amount of courage and strength for these MADD Canada volunteers to come to Parliament to share their personal stories and express their hopes.

These courageous mothers are: Louise Knox from St. Paul's, Alberta, the national President of Mothers Against Drunk Driving, Helen Hoefflicker from Surrey, British Columbia; Cathy Unsworth from Sarnia, Ontario; Carolyn Swinson from Toronto, Ontario, a past-president of MADD; Sandra Di'Quinzio from Montreal, Quebec; and Karen Dunham from Saint John, New Brunswick.

I hope that the honourable senators will welcome these women when they call you or visit your office.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— CAPABILITY OF SIKORSKY AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, I was a relatively young man, playing basketball in Shearwater, when the Sikorsky HORS was the mainstay of our carrier fleet. The Sikorsky company has been a part of my entire adult life.

In the last day or two, I have noticed, in casual reading, that the Sikorsky Aircraft Corporation has been selected to receive the prestigious 2002 Robert J. Collier Trophy, honouring the new medium-lift S-92 helicopter. Along with the EH-101 and one other commercial interest, the Sikorsky craft is a prime contender to replace the current Sea King.

Given the importance of Sikorsky to the Maritime Helicopter Program, I wanted to call this event to the attention of honourable senators. It demonstrates that there is a technological capability out there, that we have some obligation to reach out and embrace. The failure to do, so at this crucial time in the replacement program, could be fatal.

In the next few days, there will be a critical time-lapsing event, a time by which all contenders must have responded to a document comprising thousands of pages, setting forth the requirements of the government. I have serious doubts whether any or all of the companies bidding for the Sea King replacement will be able to meet those requirements. I wish to express regrets in that regard. I had hoped that they would be able to do so.

Nonetheless, I wanted to draw to the attention of the honourable senators that if we do not move quickly, we might be without seaborne helicopter eyes for our fleet, perhaps for the next 15 or 20 years. That is simply not acceptable.

• (1340)

THE LATE JACK DONAHUE

TRIBUTE

Hon. Consiglio Di Nino: Honourable senators, on April 16, 2003, Canada lost a great one. Jack Donahue, a native of the U.S., came to Canada some 30 years ago with a mandate to build a national basketball program — and build it he did. Under his leadership, Canadian basketball rose to new heights, receiving both national and international acclaim. As coach of the national team, a position he held for 17 years, Jack led Canada to numerous victories, including a World University Games gold medal and a fourth place finish at the 1980 Los Angeles Olympics.

I first got to know Jack through his volunteer work with the Canadian Foundation for Physically Disabled Persons and the Terry Fox Hall of Fame.

Jack was one of the most beloved figures in Canadian amateur sport. He earned the respect of his peers, not only for his commitment to basketball and to amateur athletics, but also for his mentoring and leadership abilities. Jack was a dedicated family man with a wonderful sense of humour who contributed significantly to his community. Being senators, you would understand that I was often on the receiving end of his jokes — publicly, I might add — which were always delivered with his unique sense of humour and the utmost respect.

Jack Donahue's dedication to family and involvement in sports and community life leaves a legacy of respect, commitment and values. His greatest legacy may very well be the positive influence he has had on the lives of countless young Canadians, many of whom went on to great success, not only in basketball, but also in life's many other endeavours.

Colleagues, Jack Donahue made a real difference. He will be missed.

QUESTION PERIOD

FOREIGN AFFAIRS

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, will the Deputy Leader of the Government accept my question and ensure that I receive an answer tomorrow from the Leader of the Government in the Senate? If so, I will proceed.

The government is considering entering into formal discussions with the United States on the U.S. ballistic missile defensive system. The government states that the current U.S. development of ground-based interceptors is different from the Star Wars concept of a few years ago, and thus Canada might be able to join in.

Is the government aware that the present U.S. architecture, starting on the ground, is inextricably linked with U.S. plans to put weapons in space and that, therefore, if Canada joins in the U.S. missile defence program, that will inevitably lead to the abandonment of Canada's policy to keep weapons out of space?

Some time ago, the government said that it would be "very happy to launch an initiative" for an international convention preventing weaponization of space. What is the government doing in this regard? Does it realize that promoting an international convention preventing the weaponization of space and joining in the missile defence system are mutually incompatible?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I take note of the question by the Honourable Senator Roche and we will provide an answer as soon as possible.

[English]

Senator Roche: Honourable senators, due to the urgency of this question, namely, that it is going back to cabinet for continued consideration next week, would the Deputy Leader of the Government in the Senate give me the assurance that my question will be answered tomorrow?

The Hon. the Speaker: Honourable senators, according to our rules, senators cannot ask questions of the Deputy Leader of the Government. Questions can be asked of only ministers and

committee chairs. Senator Robichaud has taken Senator Roche's question as notice. However, the Deputy Leader cannot respond to further questions, particularly with regard to the time frame within which a response is to be given.

Senator Roche has put his question and notice of it has been taken. We will just have to wait and see what happens.

Senator Roche: Honourable senators, I have made my point.

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, the Senate has received a message from the House of Commons concerning amendments made by the Senate to Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. That message is accompanied by a further message dated Tuesday, May 6, 2003:

ORDERED—That, in relation to the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, this House concurs with the Senate's division of the Bill into two parts, namely, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), but

That this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent: and

That a Message be sent to the Senate to acquaint Their Honours therewith.

ATTEST:

William C. Corbett
The Clerk of the House of Commons

• (1350)

Senator Forrestall: Do we applaud now?

Some Hon Senators: Oh, oh!

POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would like to discuss the message His Honour just read. Yesterday, the House passed two bills, one called Bill C-10A and one entitled Bill C-10B. They are both shown as being passed by the House of Commons on October 9, 2002. I will not get into an argument about that one.

If these two bills have been passed by the House of Commons and sent over to us, what is the status of Bill C-10B which is now before the Standing Senate Committee on Legal and Constitutional Affairs? There is a note on the Commons Bill C-10B which states:

Pursuant to the Order of the Senate on December 4, 2002, and the Order of the House of Commons on May 6, 2003 to divide Bill C-10 as passed by the House of Commons on October 9, 2002, into two parts (Bill C-10A and Bill C-10B).

This note is also on Bill C-10A, both of which are shown as having been passed by the House of Commons as C-10 on October 9, 2002, and one of which is still before the Standing Senate Committee on Legal and Constitutional Affairs.

Before we proceed to do anything, could someone, somewhere, sort this whole mess out for us? It appears that the House has deliberated on a bill that is still before our Legal and Constitutional Affairs Committee. How can the House pass a bill that is still before a Senate committee?

The Hon. the Speaker: This is a point of order.

Senator Lynch-Staunton: It is.

Hon. Anne C. Cools: Honourable senators, I wonder if we could all have a copy of the message that His Honour has read. I have no doubt that the Leader of the Opposition, in being leader, probably has seen a copy of the message. However, perhaps copies of the message could be shared with all senators so that we could know exactly what we are discussing.

The Hon. the Speaker: Honourable senators, I will request that a copy of the message that I read be distributed.

Senator Cools: I would like to have something to say once it is received. Obviously, messages such as this are debatable questions, so it would be good if we could have it in front of us.

The Hon. the Speaker: I am not sure that a message of this nature from the other place is a debatable matter. Senator Lynch-Staunton's comments are taken as a point of order as to the orderliness of our proceedings. I have just read a message from the House.

Did Senator Cools wish to comment further?

Senator Cools: As long as we are speaking on a point of order, maybe we could clarify. My understanding is that these messages are debatable, and I think we had a debate on that issue back in December. My understanding is that such messages are debatable and are also actionable. My understanding, also, is that such messages can even be referred to committees.

Senator Lynch-Staunton: Let me be clear. I did not see the message before it was read. It does mention the two bills that were passed by the House.

On the schedule that appears on a regular basis in our *Journals* entitled Progress of Legislation, under Government Bills, House of Commons, Bill C-10B is shown as being before the Standing

Senate Committee on Legal and Constitutional Affairs. Yesterday, or this morning, in our offices, we received a copy of a bill, Bill C-10B, as passed by the other place. How can the same bill be before two different Houses at the same time? If the bill has been passed by the House of Commons, what is the status of this document before the Standing Senate Committee on Legal and Constitutional Affairs, which is still identified as a bill?

Someone whispered "pre-study." It is not a pre-study.

I regret that I was not able to be here the day that someone proposed that the bill be split. I think this chamber committed a grave error in doing so without first going to the House of Commons and saying, "We feel that your legislation would be best served if it were split; Do you agree or not?" Instead, I am told that the Minister of Justice, who was behind the bar, pushed this chamber into taking this highly unprecedented decision, one that goes beyond the wishes of the House of Commons.

Senator Robichaud: No, no.

Senator Lynch-Staunton: Now we are into this confused procedure whereby one bill is in two different places at the same time. I would like some further clarification before we proceed.

Senator Cools: Honourable senators, the issues are becoming increasingly more complex. Now that I have a copy of the message in front of me, in addition to the questions that Senator Lynch-Staunton has raised around the nature of the split and whether Bill C-10B is a bill, the second paragraph of the message states:

That this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent;

My understanding of what I am reading is that the other place has made a judgment and has expressed an opinion that this house has committed an infraction of its rights and privileges. Let me read this paragraph again so that we are crystal clear:

That this House —

— meaning the other place, the House of Commons —

— while disapproving of any infraction of its privileges or rights by the other House —

— the Senate —

— in this case waives its claim to insist upon such rights and privileges...

Honourable senators, the other place has made a finding that this place, this chamber, this house, has committed an offence against their privileges. They have found that we have committed an infraction, and they are saying that they are not insisting on taking any action about the infraction that we have committed.

Another chamber, the other place, has made a finding and judgment that we have committed an infraction, then we should set about to ascertain the nature of the infraction that we have committed. In all of the debates that have ensued, never, to my understanding, has the Senate admitted to making any infractions. This very clearly is a judgment and an order of the House of Commons that the Senate has committed an infraction, and we definitely must deal with it.

The Hon. the Speaker: Do any other honourable senators wish to comment on this point of order?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we had this discussion when the Senate asked the committee to split the bill into two separate bills. The committee presented its report to the Senate, mentioning splitting of the bill, and recommending that Bill C-10A be adopted without amendment. The committee report was adopted in the Senate. A message was then sent to the other place, informing it that the Senate had split the bill into two separate bills and asking them — as is done with any amendment — to adopt the split bill as returned to them.

• (1400)

In actual fact, this bill comprised what we had included in Bill C-10A and, as well, what we left in Bill C-10B. The House of Commons dealt with a single bill. We were totally within our rights to split the bill and to inform them that we had done so.

It is my firm belief that, when a bill leaves the other place to be here, we are, while not wishing of course to encroach upon or diminish the privileges of the other place, masters of our own procedures. I believe that was precisely the case, in this instance.

The House of Commons agrees with our splitting the bill into Bill C-10A and Bill C-10B, and concurs in Bill C-10A without amendment. The other part, Bill C-10B, is in committee at this time and will be reported. It will come back here, either with or without amendment. Another message will be sent to the House of Commons asking for their concurrence in Bill C-10 as passed by our Chamber.

I do not see this as particularly complicated. Privilege is being claimed, but we were very careful when we considered the bill and when we sent the message to the other place. We were asking for their concurrence in what we had done.

I see this as our chamber retaining its independence and privileges without encroaching on the privileges of the other chamber.

[English]

Senator Lynch-Staunton: Honourable senators, if I may, I will read the message that this place sent to the House of Commons following the decision to divide the bill. It can be found on page 289 of the *Journals of the Senate* of December 4, 2002. It states:

Ordered, That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the

Senate has divided the Bill into two Bills, Bill C-10A...and Bill C-10B...both of which are attached to this Message as Appendices "A" and "B" respectively; and

That the Clerk further acquaint that House that: (a) the Senate desires the concurrence of the House of Commons in the division of Bill C-10; (b) the Senate has passed Bill C-10A without amendment; and (c) the Senate is further considering Bill C-10B.

In other words, the House of Commons was told, "We are sending back to you the whole bill. We think you should split it. Agree with us on Bill C-10A and await our comments on Bill C-10B."

Instead, the House has impinged on our privileges — it is, with its members, more than a little touchy about its privileges — by deciding to send us back Bill C-10A and Bill C-10B. In effect, it paid no attention to the fact that Bill C-10B is still under study here. It even decided, brazenly, and without alerting us, that what it did should not be considered a precedent. I, for one, will certainly consider it a precedent from now on. However, Bill C-10B was not sent back to them except for its contents, forming part of Bill C-10, with the understanding that we agreed on Bill C-10A and hoped for their concurrence in that and alerted them that Bill C-10B was still under study and would be forwarded to them in due course, with or without amendments.

Instead, that last part was ignored. The House has sent us back Bill C-10A and Bill C-10B. Perhaps, this is turning into a question of privilege. However, I will not go that far. It is a point of order worth being considered.

Hon. Jack Austin: Honourable senators, I would like to make two points on this point of order.

First, the message is not specific in any way. It is a general message. It states:

That this House, while disapproving of any infraction of its privileges or rights by the other House...

I point out that none are noted or specified. Therefore, it is essentially a saving clause, and only that. However, the issue that Senator Lynch-Staunton raises is a different one.

If we look at rule 80, we will see that it states:

When a bill originating in the Senate has been passed or negatived a new bill for the same object shall not afterwards be originated in the Senate during the same session.

The question which, I believe, deserves His Honour's consideration is whether, in dividing the bills, we have in fact created new bills or that they continue to be some emanation of old legislation.

Senator Cools: Honourable senators, Senator Austin has brilliantly and clearly pointed out the enormity of the complexity of the questions that have been placed before us.

First, I would like to point out the difference between the messages and the language of the Senate and the House of Commons. The message from the House of Commons states that it concurs with the Senate division of the bill into two parts. The Senate, when it took those actions, stated clearly that it was dividing Bill C-10 into two bills.

If honourable senators will remember, I raised that question back in the fall. At the time I asked: How is it possible that the Senate could give birth to two House of Commons bills? I think I posed an analogy at that time by asking how can an elephant give birth to a giraffe, or something like that.

It seems clear to me that the message from the House of Commons is not consistent with what the Senate itself declared that it did. Clearly, the instruction that was formulated here, as well as in the committee, to divide the bill, talked about dividing Bill C-10 into two bills. I notice that the House of Commons' message is saying here "two parts."

My understanding was that once Bill C-10 was divided, Bill C-10 was no more. Senator Sparrow rose again and again on the floor of this chamber asking: Where is Bill C-10? Did it evaporate or disappear? As I said, Bill C-10 is an interesting bill. It has appeared, disappeared and keeps reappearing. As such, it is a bit of an oddity.

I am no longer convinced that this is a point of order. I think it may even be larger than a point of order. It may be a question of privilege. The Deputy Leader of the Government has just said that the Senate was acting within its own privileges in taking this action to divide the bill and that, clearly, this particular message is in order. It seems to me, either the Senate was acting within its privileges or it was not. It cannot be doing both. Clearly, the message from the House of Commons states that the House of Commons disapproves of the Senate's infraction of the privileges of the House of Commons. Therefore, the House of Commons does not believe that the Senate was acting within its own privileges.

• (1410)

The House of Commons is quite clear here. Not only is the House of Commons making the assertion that it is disapproving of the actions that the Senate took in violating their privileges, but is even being a bit audacious in making sure we know about it. They were not content to just take the position, they had to notify us to make sure that we know, so it is an odd kind of thing. They are telling us not to let this happen again.

Honourable senators, it is a very interesting phenomenon that the Minister of Justice, Mr. Cauchon, would take the initiative to have this bill divided here in the Senate. The minister sat right here, just behind the bar, in this very chair right here, while the motion for the instruction to the committee to divide the bill was passed, this after he had said in the House of Commons that it was indivisible. The minister having done that, the Senate having divided the bill and senators having been instructed, by the leadership and other knowledgeable people here, that the Senate was acting within its privileges, we now find ourselves with a

message from the House of Commons. That message says clearly that the House of Commons disapproves of the infraction of its privileges but has chosen not to hold us in contempt, not to order the Speaker of the Senate or individual senators before the bar of the House of Commons to answer for an infraction of their privileges.

This is, indeed, a great oddity, honourable senators, and to my mind this message is indicative of the general state of affairs that have befallen Bill C-10, Bill C-10A and Bill C-10B. As far as I am concerned, this message is an infraction of the privileges of the Senate, and I am no longer convinced that this should be dealt with as a point of order. This message deserves serious study.

This message deserves to be referred to a committee for serious review. Perhaps it is all right with many senators here, but it is not all right with me that we are being told by a message of the House of Commons that the House of Commons disapproves of the fact that I, Senator Cools, in concert with other senators, have committed some sort of infraction of the privileges of the House of Commons. My natural instinct is that, right now, they are committing an infraction of my privileges because this statement, whether some of us admit it or not, is impugning, if not the moral character, at least the constitutional character of many senators.

I do not know how we will proceed. Honourable senators will remember that at the time many senators were concerned that Bill C-10A would not have had three readings in the Senate because of the bill's division. Many senators, here in the Senate chamber and in the committee, raised concerns about the business of how the proceeding was moving ahead and how the division of the bill was taking place. I, for one, believed that the concurrence of the House of Commons should have been sought early in process.

The Hon. the Speaker: Senator Cools.

Senator Cools: Your Honour, this is a very serious matter.

The Hon. the Speaker: I realize that. I appreciate, Senator Cools, your review of the record and it is very important. I have at least one other senator wanting to speak and I have to make a determination, at some point, as to when I have heard enough from senators so that I can deal with the point of order.

Could I have an indication of how many senators wish to speak on this?

Senator Forrestall: We all do!

The Hon. the Speaker: There are three other senators who wish to speak. I wish to remind honourable senators to confine their comments to the matter of procedure that is in question. I would appreciate that very much. The motives and the history are things that I can review from other sources.

Senator Cools: I would be quite happy to yield the floor to another senator and then continue later on. However, the point I am driving at is that our privileges are being infringed upon by this message.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I want to come back to the key word here. We had decided to return the bill to the other place, the only one having the power to split Bill C-10. The important thing was whether the other place concurred or not.

[English]

The word “concur” is a very important word.

[Translation]

If the other place said, “we accept the message from the Senate and are prepared to split the bill,” then it is split by the other House, which alone has the power to do so. It could be a money bill.

We did not oppose section 53 of the Constitution because the other place did concur. That is the first point. I have always said in the Standing Senate Committee on Legal and Constitutional Affairs and in the Senate that it should not be called Bill C-10A and Bill C-10B, but document 10A and document 10B. My statement is on record with the Standing Senate Committee on Legal and Constitutional Affairs. Our intention was very clear. That is why I am very interested in what the Leader of the Opposition has to say. It is true that the same bill cannot be in two places at once.

The committee considered only Bill C-10. It considered just one bill. The suggestion was made to split it.

I have always preferred to talk about document 10A and document 10B. If this had been done, there would not have been so many problems. Sometimes, it is referred to as C-10A and C-10B. If the other place agrees to split the bill — because there is only one — now, it has the power to do so.

The House of Commons did that with the word “concur.” We have looked at the precedents. The other precedent that did not succeed was one in which the other place did not use the word “concur.” In this case, they did use it. Never before have we had two bills at the same time, because we did not have the power to split them. Twice, I have stated before the Standing Committee on Legal and Constitutional Affairs that what we were doing was considering a document, and I did not like the decision to use the wording “Bills C-10A and C-10B.” But that is what happened.

Hon. Roch Bolduc: We have a problem.

Senator Beaudoin: Yes, we have a problem. The other problem is that the House of Commons waived certain privileges. That is part of what I would call *lex parliamenti*. We are in two legislative Houses and we have the right to raise questions of privilege and defend our privileges. But if the other House says that it concurs — that is all we were asking of them — in the splitting of the bill, that is what it has done.

• (1420)

In terms of legal procedure, I applaud them. I am not talking about the bill, that is another matter. I am simply talking about parliamentary procedure.

I think that it would have been better to talk about a document. You can have a document being considered in both places, but having two bills in the two Houses is not easy, as we can see today. However, as to the privileges of the other House, the other House has the right to waive them if it wants to. Are they attacking us? That is another matter.

Of course, one House cannot dictate to the other. There are two legislative Houses. There is a bill and there is a question of splitting it. Both have said yes. The word document should have been used in the first place, but unfortunately it was not.

Has all this been a waste of time? I have always said that when the House of Commons says, “we concur,” then Bill C-10 becomes Bills C-10A and C-10B. Obviously, it has been split. Given that the Senate Standing Committee on Legal and Constitutional Affairs considered the bill and that the record indicates that this was merely consideration of a document, there is no conflict with the Legal Affairs Committee’s mandate. We have done our job. We will know whether or not there are amendments to be made, and we will settle the problem.

I am talking strictly about procedure. While it may not be perfect as far as I am concerned — we do not live in a perfect world — at least the bill has been split. Others may take a different attitude. The mistake we made was referring to Bills C-10A and C-10B, instead of consideration of documents C-10A and C-10B. We would not have had problems if we had done so. This is purely my personal opinion.

Senator Prud’homme: Which does not commit your party.

Senator Beaudoin: Not at all.

Senator Lynch-Staunton: Honourable senators, I would like to respond to Senator Beaudoin. Yes, the House of Commons agreed to split the bill. That is not the point. The point is that the House of Commons did not respect the Senate’s decision when we returned Bill C-10 and informed them that we wanted to split it and that we had already passed Bill C-10A. The message dated December 4, 2002 was that “the Clerk...further acquaint that House that... the Senate is further considering Bill C-10B.”

We did acquaint the House of Commons that we were keeping Bill C-10B, even though it was identified elsewhere in the table entitled “Progress of Legislation” in the *Journals of the Senate* as a bill. The Journals and the charts contained in our Journals present Bill C-10B as a bill. We may like to think that it is a document, but legally, in terms of procedure, it is a bill.

The House of Commons disregarded our will and did not accept the fact that Bill C-10B had been kept by the Senate. It decided to legislate and proceed with third reading on two bills, one of which is Bill C-10B.

What gives that other place the right to disregard the will of the Senate and ignore the fact that the Senate committee has been considering this bill for several months? How can that other place disregard the work being done with witnesses called to discuss a bill so that the Senate might provide the House of Commons with its opinion? How is it that, all of sudden, out of the blue, the House of Commons has passed Bill C-10B? We should object to this. This point of order is based on this argument.

[English]

The Hon. the Speaker: Honourable senators, a point of order is an opportunity to clarify whether a matter is within our rules, customs or procedures. It is sometimes helpful to have a debate, although debate is not traditional in discussing or making a point of order. I want to observe that if each honourable senator tries to dispose of his or her position one — on one, we could be here for a long period of time.

Honourable senators have asked me, as the presiding officer, to make a decision on whether these procedures are in order or whether they are questionable for some reason. I remind honourable senators that the purpose is to direct comments to the presiding officer that may be helpful or important to that end. However, when honourable senators become engaged in an exchange with one another and, in effect, debate whether the point made is correct, it could take a long time. In the end, I would ask that honourable senators leave that debate, as flawed as it may be, to the presiding officer to rule on this matter.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, some of the points that I wanted to raise have been canvassed, so I will turn to another point that concerns me. The second paragraph of the message that we received from the other place states:

That this House, while disapproving of any infraction of its privileges or rights by the other House —

— that point being raised by Senator Cools a little earlier —

— in this case waives its claim to insist upon such rights and privileges —

— and this is my point —

— but the waiver of said rights and privileges is not to be drawn into a precedent;

I would not want it ever to be understood that this house acquiesced in accepting that what has occurred is not a precedent because I believe it is an important precedent from the standpoint of this house. I would want His Honour to make a clear comment that we cannot change the message or the motion adopted by the House of Commons. However, I would urge honourable senators not to accept that what has occurred is not a precedent. Indeed, I believe that it is a precedent we may wish to fall back on, again. I draw His Honour's attention to Erskine May, pages 4, 5, 625 and 626, where he may find a short reference in the procedural literature to the question of precedent.

[Senator Lynch-Staunton]

We would want to protect this precedent. I shall not comment on the other points because other honourable senators have done so.

[Translation]

Senator Robichaud: I agree with my honourable colleague. A precedent has been created. It could be used as when the other place had created a precedent with Bill C-15, which comprised three parts: child pornography, firearms and cruelty toward animals. Now, Bill C-10 comprises two of the three parts of that first bill, Bill C-15, that we had split and sent back to the other place.

• (1430)

When the Senate considers a bill and then passes it without amendment, it sends a message to the House of Commons indicating that the bill was passed. In this case, we passed part of the bill without amendment, and we asked the House of Commons to concur in the splitting of the bill.

The Honourable Senator Cools said that the House of Commons does not agree to this, but the following shows quite the opposite:

[English]

— this House concurs with the Senate's division of the Bill into two parts —

[Translation]

Clearly, the House of Commons has concurred with the splitting of the bill.

Honourable senators, I hope this has enlightened you. However, the decision is yours to make.

[English]

Hon. John G. Bryden: Honourable senators, I participated in virtually every discussion in our committee on this bill. To a large extent, the way in which the committee proceeded was very much, to my recollection, as Senator Beaudoin has outlined.

I draw to the attention of the Honourable the Speaker that the Senate instructed the Standing Senate Committee on Legal and Constitutional Affairs to divide the bill. We reported on that.

When we reported the division, we reported Bill C-10A and Bill C-10B —

Senator Lynch-Staunton: You did not report Bill C-10B.

Senator Bryden: No, we reported that we had made the division.

Senator Lynch-Staunton: Yes, that is all.

Senator Bryden: We reported the division of Bill C-10 into Bill C-10A and Bill C-10B.

Senator Lynch-Staunton: You kept Bill C-10B.

Senator Bryden: We kept it, yes. We had followed the instruction of this house in doing that. The Senate adopted our report.

We have proceeded in the committee to study the contents of a bill. Senator Beaudoin was forever saying that.

We had asked that the clerk carry the bill back to the House of Commons and acquaint the House that the Senate had divided the bill into two bills, Bill C-10A and Bill C-10B. I will deal with the other one later.

If you look carefully, as lawyers tend to do, at what happened when they sent this document in concurrence, they have tracked our request in their first paragraph, about as closely as it is possible to track it, which reads:

That, in relation to the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code...and the Firearms Act, this House concurs —

That is what we asked. We asked them to concur. The House concurs with the Senate's division of the bill into two parts, namely Bill C-10A and Bill C-10B. In doing that, they have basically attempted, at least, to carefully do what we asked them to do, which was to concur in the action that we asked them to take.

Honourable senators, whether they take this as a precedent is up to them. Whether we take it as a precedent, is up to us. Those are the points I wanted to make.

Hon. A. Raynell Andreychuk: Honourable senators, we talked at great length both in the committee and here about splitting the bill, which was the order from the Senate to the committee. If we had two parts of the bill, we would have to seek concurrence of the House of Commons. We were using a previous precedent.

In the end, we did send Bill C-10A to them for concurrence and sought their concurrence to splitting the bill. However, Bill C-10B was not before the House. It was here, pending. Bill C-10 remained as the only bill that had come from the House. There was no such thing as Bill C-10B on the House side. I am having great difficulty understanding how they could speak to Bill C-10B in the way they have.

It troubles me that after we sought their concurrence on the splitting, they would say that they concur, but that they disapprove. If we agree to this message, it means that we did something wrong. We split a bill that we should not have split. The House, in telling us that they disapprove of this infraction and refuse to take it as a precedent, is reprimanding us.

I do not think that they have that right. They can decline our request. They cannot disapprove of it. They can either decline it or accept it. They do not have the choice of commenting on what we are doing.

The earlier precedent was clear. They declined our request. In this case, they could have done the same thing. However, they cannot tell us what we should do in this house, nor can they say that they disapprove. They can stay within the bounds of their House and decline to accept the bill as we returned it. We could argue for a long time.

Honourable senators, I believe that the second paragraph is unwarranted and causes confusion. If we agree to this, we are agreeing, first, that we were wrong, and second, that it is not a precedent. I, for one, put it on the record that we were wrong in splitting the bill and, that we were entering into the realm of the House of Commons work. That was during our internal debate.

If the majority here chose to do something, the House does not have the right to disapprove. They have the right to decline the suggestion to split the bill.

We are in a conundrum. Never mind that it is a precedent on the other side. It would be a precedent to accept a reprimand from the House of Commons. We would be accepting instructions on how we conduct ourselves within this chamber.

Hon. Lowell Murray: Honourable senators, I appreciate that it is rather late in the day for me to be making this point. However, I do not think that there is a point of order here at all. I am not sure that Senator Lynch-Staunton meant to raise it as a point of order.

Nobody has cited a rule of the Senate that is being infringed. We have here a message from the House of Commons. The Honourable the Speaker read it, as he is obliged to do at the appropriate time.

There is no question of the message being in order or out of order. We must decide whether we want to debate it. Our rules do not provide for debate of those messages, but there is precedent for sending such a message to a committee. I recall that being done here. If that is what somebody wants to do, somebody should move that it be sent to a committee.

Perhaps Senator Cools is correct that it is not a question of order but a question of privilege. If it is, there is a process for dealing with questions of privilege. However, I do not see the point of order, and I do not see how we could have the discussion that we have been having for the last while under the rubric of a point of order.

Senator Cools: Honourable senators, I should like to thank Senator Andreychuk for so clearly comprehending and articulating the point that I have been trying to make.

• (1440)

I also concur with Senator Murray that the particular questions the Speaker is being called to settle and resolve are beyond his purview. I do not need to repeat what others have said. No clear arguments are being brought forth on the issues of orders per se, but a lot of evidence is being brought forward here today that there is something very wrong in this message, and that we have to look at it and adopt a proper position.

If honourable senators were to look at the two new bills that have just arrived in our hands — Bill C-10A and Bill C-10B — they say, “As passed by the House of Commons, October 9, 2002.” If you go down to the note below — I am looking at Bill C-10A right now — it says:

Pursuant to the Order of the Senate on December 4, 2002, and the Order of the House of Commons, on May 6, 2003, to divide Bill C-10 as passed by the House of Commons on October 9, 2002, into two parts (Bill C-10A and Bill C-10B).

There is something wrong with that as well. That is not only wrong, it is dishonest. It is not true. It did not happen.

Senator Robichaud: Order.

Senator Cools: There is something very wrong with this; and I thank the honourable senator who caused me to look at this. These issues are about the Criminal Code. These are amendments to the Criminal Code. These are actions that Parliament is taking in legislation that we are passing, that criminalizes people, that causes individuals in this country to be prosecuted. We owe it to the population of this nation to pass laws in accordance with the rules, and to abide by the constitutional principles that guide us, especially when we are purporting to criminalize what I would consider to be innocent behaviour.

This is beyond the Speaker's purview. It is more a question of privilege than a point of order, and we have to find a way to resolve it.

I want to say, again, that it is not possible to rise and to fall simultaneously; just as it is not possible to concur and not concur simultaneously. It is not possible to agree and disagree simultaneously, or to approve and disapprove simultaneously.

What we are dealing with here is a message that is saying, basically, members of the House of Commons are happy that you divided the bill, even though you were wrong to do it. What we have here is a message of political expediency, or convenience. The House of Commons is saying, “We do not like what you did and do not want you to do it again, in fact never do it again; but we like the result because it suited our convenience.”

Senator Robichaud: Order.

The Hon. the Speaker: Honourable senators, we have spent a lot of time on this matter. Because some senators are having difficulty in understanding how this procedure has unfolded — as to its orderliness — I have allowed a rather lengthy intervention. As you know, under the rules, the presiding officer is to say when he or she has heard enough. I take that position now.

I remind honourable senators that the question that was touched on, although not raised — whether a message from the other place is debatable — was ruled on in this place on December 4, 2002, to the effect that the message is not debatable. It deals at some length with an example of discussions that took place in a similar circumstance, and how they were not in accordance with the then rules or the current rules.

We are not debating the message. We have a ruling that it is not debatable. However, a number of questions have been asked as to whether the procedures that have been followed are in order. Because a lot has been said, and because it is not a simple matter, I will bring down a ruling. In terms of Senator Murray's point, sometimes the ruling is that there is no point of order, or there may be a point of order. In any event, I will decide that to the best of my abilities and report to this place at the earliest possible time.

[Earlier]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, we have with us, from the House of Commons, a guest page. Jennifer Wight of St. Albert, Alberta, is studying in the Faculty of Arts at the University of Ottawa, specializing in mathematics. Welcome.

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

Hon. Lowell Murray: Honourable senators, for reasons which I explained to Senator Milne already, I was not in my place when she opened debate on third reading of this bill. However, as I assured her, I ran the next morning to the Senate Web site and read her speech carefully in its entirety.

I do not think there is much I can add, either to her arguments for the bill or to the recital of its historical background, which, in the one case were convincing enough, and in the other, so far as I know, completely accurate.

Following her speech, there were interventions, questions and comments on the part of Senator Comeau and the Leader of the Opposition, Senator Lynch-Staunton. Needless to say, I also read those with great care. It is to those matters that I would like to address myself briefly this afternoon.

The points they raised are substantive and important. They are serious matters that I grappled with in considering this bill; albeit, perhaps their considerations led them to a different conclusion on the bill from that which I have reached.

Never that may be, I do not disagree with what Senator Comeau said in underlining, as he did, the critical importance of privacy as a right that Canadian individuals enjoy in this society. He disagrees, as I do, with what I take to be — although I am not competent to judge these matters — some kind of prevailing legal doctrine, to the effect that one's right to privacy declines over time and, in fact, disappears with your death.

That may be prevailing legal doctrine, but I do not believe it is right. If it is the state of the law, we ought to fix it — change it and put it right.

Senator Comeau implies, and I agree, that the fact that the government collects personal information on individuals does not then make that information government information. It is still personal information of which the government, for good and sufficient public policy reasons, has custody. The government is, and ought to be, bound to protect the privacy of Canadian citizens on these matters. This information should only be made public in cases of pressing necessity, such as criminal proceedings and the like.

In his interventions, Senator Comeau identified flaws that perhaps exist in two acts, the Privacy Act and the Access to Information Act, that allow for the release of government files 25 years after they have been compiled.

• (1450)

So that, I would add the Personal Information Protection and Electronic Documents Act, which we passed several Parliaments ago. That act touches upon personal information collected about an individual, mostly by business firms, for commercial purposes. I am referring to the information collected about you and me by credit card companies, or the information, for example, that pharmacies collect or have to collect about you or me personally. A provision in that act, which I tried to have removed in a desperate last-minute amendment, makes it possible for the personal information collected for commercial reasons to be released 20 years after your death. I say never. Other than criminal proceedings and the kind of things that need to be demonstrated in court, I cannot conceive of the circumstances in which personal information relating to you, collected for commercial purposes, ought to be released to the public even 20 years after your death. Why should your children and grandchildren have to explain or live with your past conduct or sins, if that is what is in the information? I will not rest easy until I see that provision deleted.

Therefore, I accept the validity and the urgency of the points that Senator Comeau has raised, and I will join with him in the months and years ahead to try to put some of these things right. We have our work cut out for us. Maybe we will be able to enlist colleagues from the other side. Perhaps some of them will volunteer to take up the cause that our former colleague Senator Sheila Finestone championed so passionately throughout her parliamentary career. We may be able to enlist the assistance of the Privacy Commissioner, although he appears not to share my view that the right to privacy should be written right into the

Charter. Perhaps that is an impossible dream, but I draw the attention of honourable senators to the fact that in the early 1980s, during the constitutional discussions, both Prime Minister Trudeau and then Minister of Justice Jean Chrétien favoured the inclusion of a right to privacy in the Canadian Charter of Rights and Freedoms.

I accept all that Senator Comeau has said on the subject of privacy.

Bill S-13 relates only to personal information collected by the government in the course of a census. It deals exclusively with the census. A different legal regime applies to census information than to other personal information collected by the government, or so we thought until recently.

The legal situation relating to the census since 1905 consists of regulations passed pursuant to the 1905 and 1906 Census and Statistics Act. These provisions, generally, were written right into the Statistics Act of 1918, and further provisions were contained in legislation of 1948, 1970, 1971 and 1972. In previous debates, I have read the text of some of these provisions into the record, and I will not do so today. In a word, these provisions, regulations and legislation assured the confidentiality of personal data collected by the government for the sake of the census.

That brings me to Senator Lynch-Staunton's intervention, which I recognize and respect as a principled position on his part. However, we must agree that alongside the legal regime that I have described, there were certain other provisions. One was the provision that these censuses had to be transferred to the National Archives "for future reference." Another was the 1983 Privacy Act, providing as it does for the disclosure of personal information in the hands of the government after 92 years.

The question with which several generations of parliamentarians and others have grappled is this: Do these later provisions qualify the previous law regarding census information? Do they overtake it? Do they trump it? No, said the Chief Statistician. No, said the Privacy Commissioner. No, said the Department of Justice, until recently. I should interject that there was a ministers' panel, appointed by Mr. Manley, I believe, when he was Minister of Industry, comprised of, among others, a former justice of the Supreme Court of Canada, Gerard La Forest. That panel had no difficulties with the legal consequences of releasing everything pre-1918, was less certain about 1918 and following years, and felt that, for greater certainty, legislation would be needed.

In any case, the Department of Justice has done, as I said at second reading, a 360-degree flip-flop in its opinion.

Let me read for honourable senators the statement of the Chief Statistician when he appeared before the Standing Senate Committee on Social Affairs, Science and Technology on Wednesday, April 9. It will give senators a good idea of the predicament in which Dr. Fellegi, the Chief Statistician, found himself. He says:

...one cannot ignore that there are conflicting legal opinions. In fact, it might well be that the legal opinion would say, everything considered, censuses should be released after 92 years without restrictions. That may well be what the courts decide.

Certainly, the latest legal opinion we have from the Department of Justice says that is the better opinion. ...their latest view is that, as things stand now, from a purely legal perspective, the census may not be fully protected after 92 years. Some clarification is needed.

Now, if that is the state of the law as seen by the Department of Justice, senators will readily understand the predicament that the Chief Statistician found himself in after all the years of stating no to requests to opening it up, which led him to an agreement with the present National Archivist, with the present Minister of Industry, Minister Rock, and with Senator Milne, acting, as she was, on behalf of people interested in genealogy and historical research.

What is the compromise involved here? Let me back up a little. There was a previous compromise a couple of years ago. It involved Statistics Canada and the Privacy Commissioner, who was then Mr. Bruce Phillips, although the consensus agreement was endorsed by his successor, Mr. Radwanski. In a nutshell, the compromise provided for access by individuals to the personal data in order to trace their family histories under strict conditions, and it provided access for historians in respect of peer-reviewed research, also under strict conditions.

When I spoke to Senator Milne's private member's bill, Bill S-15, that she brought in December 1999, and her private member's bill, Bill S-12, that she brought in February 2001, I opposed those bills but said that I could and would support a bill that contained the elements of the compromise agreement to which I just referred. I believe that Bill S-13 contains those elements.

• (1500)

Mr. Radwanski, the Privacy Commissioner, is not satisfied on that score. He says that the conditions in the new compromise agreement reached by Statistics Canada, the government, the archivist and Senator Milne are not as strict as they were in the original agreement, and he points out that the present agreement, as reflected in this bill, provides unrestricted access after 112 years.

The Chief Statistician was also a party to the previous compromise, and he supports the new bill. While he agrees with Mr. Radwanski that some ground was lost in the new compromise by the addition of the 112-year rule, he points out that there is a very important gain from his perspective in the new compromise. That gain is the requirement for informed consent henceforth. Informed consent means that you will have to sign your consent for the eventual release of this information, failing which it cannot be released. That provision was not present in the past compromise agreement that Mr. Radwanski supported, which is very important.

Again, I draw the attention of honourable senators to the testimony of Dr. Fellegi on that point before the Standing Senate Committee on Social Affairs, Science and Technology on April 9, 2003. He said:

That is the difference between the two compromises. There was ground given on the access side and ground given on the protection side. On the protection side, it is informed consent for future censuses. On the release side, it is the 112-year and beyond unrestricted access.... That is the difference between the two compromises.

Later, addressing himself without realizing it to Senator Lynch-Staunton, he said:

... it is very easy to argue on the basis of principles. I could easily defend to not give any ground whatsoever on the confidentiality issue. Protect it forever. Do not compromise. Intellectually it is easy to defend that argument. It is much more difficult to defend intellectually a compromise. However, I fully support this compromise because I realize the value of offsetting public goods even though I am responsible for only one of those two public goods, statistical information. I am not responsible for the other one but I am a public servant and I understand the value of setting public goods. I fully endorse this compromise.

Honourable senators, these are the factors and that is the background that led me to support Bill S-13 for the reasons I stated when it was before us at second reading. These are considerations and the background that led me to oppose amendments presented at the committee that would have destroyed the consensus agreement and which led me to move that the bill be reported without amendment, a motion which passed over, I think, three dissenting votes from the other side.

Honourable senators, these are the considerations that lead me to maintain my support for the bill at third reading and to commend it to your support today.

Hon. Gerald J. Comeau: My question for Senator Murray has to do with the fact that, as I understand it, the bill now authorizes the government to release, after 92 years, censuses from 1918 on including the last census. In the last number of censuses in which I personally provided information to Statistics Canada an undertaking was given to me that this information would not be divulged. Through his support of this bill, is Senator Murray accepting that all of the information I provided in censuses that I signed by way of contract with the Government of Canada, which contract assured the confidentiality and privacy of the information I provided, can be released after 92 years, in spite of the fact that I may not wish it to be released?

Senator Murray: Honourable senators, I will make two points in response to my friend. First, all of that information will not be released after 92 years. What will be released is the tombstone information. I could state what tombstone information is, but I think my friend knows what it is.

And, the reason the bill is being brought forward in this form and why those restrictions are on it is precisely because of the concern that without this bill the state of the law was such that we would have ended up with unrestricted access after 92 years to not only the tombstone information but to all of the personal information required to be given on the long form.

Senator Comeau: I understand that the information that is not tombstone information will become completely public after 112 years. In effect, 112 years from now the confidentiality contract is over.

Senator Murray: As I understand it, there will be unrestricted access after 112 years. However, Senator Comeau will be responding to quite a few censuses in the future and will have the opportunity to refuse to sign the informed consent order. In that case, the public will not get access to any of the information filed about him.

Senator Comeau: One thing has greatly bothered me throughout this entire process. I commend Senator Milne for the tremendous campaign that she and her group have mounted. I understand the importance of genealogical information. I am extremely interested in the tracing of ancestry myself.

The premise of the lobby campaign was that this information should have been released. The letters I received and many of the petitions that were presented in this house were based on the premise that there was no legal restriction. Senator Milne spoke last week about government files being completely open after 25 years. If there were no restrictions on the release of such information, why did we need legislation? If this was only a legal question, why was it not taken to court where lawyers could deal with it rather than having Parliament retroactively, on behalf of the government, break a promise, which is what we are doing with this legislation? This is not a legal issue. This is legislation retroactively breaking a promise, an undertaking of government, with its citizens. If it is a legal question, take it to court and let the lawyers deal with it and earn their dollars.

Senator Murray: Honourable senators, no longer being on the inside of government, it is rather difficult for me to answer that question. However, from the outside, the situation seemed to me to be the following: The government — certainly the Chief Statistician — declined, for many years, to open this information up to researchers, and he was supported in his view by the opinion, at the time, of the Department of Justice.

• (1510)

Since that time, the Department of Justice revisited their opinion in light of the provisions that require that the census information be sent to the National Archives, most of whose material is open to the public, and in light of the provisions of the 1983 Privacy Act that government information generally be released after 92 years. The Department of Justice revisited their opinion and came up with a new opinion that left Statistics Canada and the integrity of Statistics Canada very vulnerable to just the kind of litigation to which my friend has referred.

I do not want to put words in anyone's mouth, but this is my interpretation. In order to avoid a worse outcome, they sat down and did the compromise that is reflected in Bill S-13, and which, for all those reasons, I continue to support.

Senator Comeau: Senator Milne said last week that government files are available to Canadians anyway after 25 years. It had not dawned on me that a file in government archives, somewhere, could be opened up under the Access to Information Act. From what I understand, any Canadian can apply to see files after 25 years, income tax returns excluded. My understanding is that this applies to an application for a student loan or a gun licence, to all kinds of files, those that we know about. However, what would happen with access becoming available to files after 25 years, files we do not know about? That issue might relate to a concern the honourable senator mentioned earlier about the privacy of Canadians. We might want to look at this area.

Senator Murray: I read what my friend had to say about that when he intervened following Senator Milne's speech last Wednesday. I have not had a chance to delve into the relevant statutes to that extent.

I will say that the Access to Information Act, on the one hand, and the Privacy Act, on the other hand, must be read together. That would be my answer to the question in a general way. There is the 25-year rule. It even affects cabinet documents, minutes of cabinet meetings and so forth, as I have learned somewhat to my sorrow or expect to learn to my sorrow. I did not realize that was the case until one day I woke up and saw that all the minutes of the Trudeau cabinet meetings of 1967, the de Gaulle visit, were laid out on the table in 1992, 25 years after the event. Quite a few people who were in that cabinet were still in politics, and their private cabinet comments were put out for the edification of the public.

The Access to Information Act and the Privacy Act will have to be read together. I am very sensitive to the issues that my friend raised, such as applications for student loans, where some of the questions are quite intrusive, and the application for the registration for long guns. That is what I meant when I said that I think we had better get at this in the coming months and years.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): The information that one gives under student loan applications or so many of these other areas is effectively voluntary. One supplies the information if one wants to apply for a student loan. Is it not true that one is obligated to provide the information that is sought by Census Canada, and if it is not given, one could end up in jail?

Senator Murray: Yes, that is true, although I do not think that we should attach any less importance to the privacy of information that is given voluntarily in the course of applying for a student loan or to register one's gun than one does to the information collected on the census.

I think I said in committee that there are penalties. On the very day we were meeting, April 9, I went, as is my custom, to the Web site of the *Cape Breton Post* and found that a Cape Bretoner had refused to give some of the information required of him in the long form because, he said, "The government has already got that. Various departments have come to me asking for this. I am always filling out forms. To hell with them. I am not giving out any more information." The judge told him that that was not a sufficient reason for not filling in the long form census and fined him several hundred dollars and let him go.

Senator Kinsella: Honourable senators, Senator Murray has drawn to our attention a complete change of view in the Department of Justice on this file. I think that change of view spoke volumes to Dr. Fellegi, the Chief Statistician. I think he found himself in the position of almost being abandoned. With the original decision, he had a good margin of comfort.

Would Senator Murray not agree that our Chief Statistician, who is one of the top civil servants we have in Canada, has the main preoccupation of protecting the integrity of the census and that he would not want anything done to diminish the integrity of the census? He had this protection, as it were, within the machinery of government when the Department of Justice was of the original view. Why does the honourable senator think that the Department of Justice made such a radical, 360-degree change to its view?

Senator Murray: Honourable senators, I have no idea. That is the short answer. The longer answer is that they may have been going on an opinion that predated the Privacy Act of 1983 and that they had not really brought it up to date sufficiently. I will give them benefit of the doubt. In any case, they did a major flip-flop. Of course, those opinions are not available to us. Normally, the opinions law officers provide to departments of government are not made public.

Hon. Lorna Milne: I gave them to the Social Committee.

Senator Murray: I gather the opinions are somewhere on file. I just took it for granted that, like all legal opinions, they are not available to Parliament. I did not get a chance to examine them. Perhaps we should do that at some point.

Senator Kinsella: The Chief Statistician testified very clearly that, at the end of the day, he can live with it — indeed, more than "live with." He testified directly that he supports the bill as a public servant. I do not know what other position he could have taken.

Perhaps, more important, was the testimony of the Privacy Commissioner. I put a question to him, and I would like Senator Murray's comment. The question was this: When we are dealing with a compromise, such as the compromise agreement worked out by the different players in this case — does not the right in question become the loser? Was that not the testimony of the Privacy Commissioner? The compromise agreement upon which this bill is based is a compromise in which the Privacy Commissioner sees the right of privacy as the loser.

• (1520)

Senator Murray: The Privacy Commissioner made the point in his testimony on April 9 that retroactivity is being introduced here. However, retroactivity was being introduced in the compromise to which he agreed a couple of years ago. The principle is the principle. He is right. Privacy is not as absolute as we thought it was when we had another opinion from the Department of Justice.

As Dr. Fellegi pointed out, in any compromise there are gains and losses. What we lost on one side from the previous compromise, by somewhat lesser conditions, we gained by this provision for informed consent henceforth. Your information will never be released unless you sign an informed consent form. As was pointed out on a previous occasion, that is the process they have in Australia.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to remind this chamber that years ago, under Mr. Pearson, the government introduced the social insurance number. We were reassured then that its only purpose was for limited government purposes. I remember Mr. Diefenbaker pointing out that once you introduce such a notion, it will become widespread in no time. That is what has happened to the social insurance number today. It is public. The first question every credit institution, every credit card company or anyone who wants information on you asks is: What is your social insurance number? With the number, they gain access to all your credit information, and more, even though by law they are not entitled to do so. Canadians are not informed by their government that they have a right to limit the information they give.

I sense, in this bill, that we are opening the door for people to come around and say, either later this year or in a few years, "Let us give them the census data right away." I will not be here at the time, but I hope my anxieties will be proven false.

I have read the transcripts of the meetings that the committee held. I did not sense much enthusiasm for this bill. The word "compromise" comes back repeatedly, which does not give me much comfort. I am more impressed with the categorical statement made by the Privacy Commissioner, which I found nowhere being challenged. On April 9, he said before the committee:

This bill, if passed, will violate a promise repeatedly made to Canadians by successive governments and eliminate existing privacy rights retroactively.

I would like to ask Senator Murray how we can justify breaking such a pledge that has been made to Canadians successively over the years by many governments?

Senator Murray: As I said, I appreciate the principled position taken by the Leader of the Opposition. As I have also said, I challenge the Privacy Commissioner in these words. What he says of this bill was true of the compromise that he agreed to a couple of years before.

My friend says that as soon as he hears the word "compromise" he becomes leery. The country was built on compromise. I have tried to explain that the Chief Statistician, who has been to the forefront in defending the absolute privacy of this information, saw the writing on the wall. With the change in the legal position of the Department of Justice, he saw the real possibility that the courts would find, absent any further intervention by Parliament, that there was to be unrestricted access to census information after 92 years. Thus, he was driven to this compromise, which he supports, all in all, pretty much without reservation. He implored us not to pass the amendments that were before the committee at the time, but he gave his full support to the compromise to which he was a party, and to the bill, which reflects that compromise.

On that basis, and my own reading of the situation over the period of several years that Senator Milne has been bringing in her private members' bills, I came to the conclusion that I for one ought to support the bill, which is what I am doing.

Senator Lynch-Staunton: To be clearer, perhaps I should have said that I do not believe in compromise when it comes to the basic rights of the individual, and certainly the basic right of privacy. The fact that Senator Murray has shown more than passing interest in having privacy introduced into our Charter, I think, probably indicates he agrees with me more than he would like to let on.

Senator Robichaud: That is interpreting.

Senator Lynch-Staunton: I would like to ask Senator Murray another question. If passed, this bill will become law. However, it will only be implemented through the regulatory process. By clause 2 of the bill, the Governor in Council may prescribe the forms, categories, et cetera. The success or failure of this bill, if it becomes law, will be on the regulations.

Has the committee asked to see a draft of the regulations, before the bill is proclaimed, to ensure that whatever the restrictive nature of this bill may be, it is respected in the regulations?

Senator Murray: Honourable senators, I generally agree with the point that is made inferentially by the Leader of the Opposition and that was made more directly by the Privacy Commissioner, namely, that I prefer to see things in the legislation rather than in regulations.

However, this is what we have. I will say that, to their credit, the government, even before second reading, put out, if not all the regulations, I think most of the regulations that will apply to this act. Those regulations include even the application forms that one would have to sign if one wished to delve into one's ancestry. The draft application forms are there as part of the record. They were released by the government. Also included are the application forms that historians would have to fill in to do historical research.

I think it is fair to say we have most of the regulations. All of the definitions and so on are contained in the various materials

that the government put out. Most of it was provided even before second reading, although some of it has been provided in the period since then. In other words, they are available.

On motion of Senator Lynch-Staunton, debate adjourned.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Morin, for the second reading of Bill S-11, An Act to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Chaput*).

Hon. Maria Chaput: Honourable senators, I rise to endorse Senator Gauthier's words on the subject of his Bill, S-11, which concerns the accountability of governments with respect to implementation of section 41 of Part VII of the Official Languages Act.

I listened to Senator Beaudoin's speech, expressing his position that section 41 of the Official Languages Act is declaratory and not simply directory. Thus, honourable senators, I find myself debating a bill that, in my humble opinion, ought to reflect the real commitment of the government and its institutions to the development and vitality of official language minority communities.

• (1530)

My comments today are based on my own community experience as a francophone in Western Canada and on the fundamental importance of having legislation that will allow us to intervene when it is not complied with. Intervening at the Supreme Court is not our first choice, but when it is a question of ensuring respect for our rights, we will do so. Take, for example, the Forest decision in Manitoba, which enabled us to gain the power to manage our French schools.

Until now, the current legislation has been found wanting when it comes to ensuring continuity in the various initiatives established to support the development of our communities. The measures now in place depend on the good will of the people in charge and fall by the wayside when the individuals who initiated them move on. That is our lot, because there is no recognized official recourse regarding compliance with Part VII of the Official Languages Act.

Our only recourse is to the Office of the Commissioner of Official Languages. We find ourselves lodging complaint after complaint, in a long, difficult process. Having worked for a number of years with public servants in various federal departments, I have noticed that public service managers, as a general rule, do not have a good understanding of sections 41 and 42 of the Official Languages Act.

Many of them simply see them as a list of minimum requirements for providing services in both official languages. As a rule, they feel that promoting this linguistic duality is mainly the responsibility of the Department of Canadian Heritage and not a concern for them.

In any case, francophone initiatives that require funding from their respective departments rarely meet their criteria. They are constantly turned down. For years, we witnessed policies and programs for francophones outside of Quebec which were developed solely based on assessing the needs of the majority and which, therefore, contributed in large part to our assimilation.

Our communities had to fight for a few crumbs from programs that were ill-suited for their situation. Despite the implementation framework that was announced in 1994 targeting some 27 federal departments and agencies, the government did not recognize a responsibility to act under Part VII. The federal government's problem may not lie in its will, but in enforcing this will, which requires that the obligations of these departments be recognized, in addition to obligatory practices to be followed in enforcing Part VII of the Official Languages Act.

We must constantly monitor the situation and lodge complaints with the Official Languages Commissioner. For example, an ad for a RCMP position that does not list as a requirement knowledge of both of the country's official languages; Air Canada and its signage; Health Canada and its refusal to support initiatives for francophone seniors; Canada Post, which has closed small post offices in rural francophone communities and which has established an agreement for delivery services with the private sector. Are services in French being protected?

The impact on our development is terrible. There is hardly any access to research and development programs to ensure sufficient data on our communities. There is very limited access to government programs and services. Responsibilities are being downloaded to the provinces and other levels, including the private sector, without any guarantees for the protection of the rights of official language minority communities. Large amounts of money are being transferred from the federal government to the provinces without any requirement for them to serve their minority communities.

Furthermore, since Part VII of the Official Languages Act is not recognized as requiring that federal bodies work together with official language minority communities, we have not benefited from the arrival of a great many immigrants, who have swelled the ranks of the majority, because there is no appropriate selection policy and integration program.

We are also still not involved in major federal initiatives such as those in the voluntary and community sector. Is it any surprise, then, honourable senators, that the percentage and the actual numbers of the francophone population in Canada continue to drop, in Western Canada particularly?

Francophones outside Quebec are not second-class citizens. They are entitled to develop and flourish in their own language. The fact is that French Canada is still forgotten too frequently in the federal vision based on recognition of the two linguistic entities, which are unfortunately perceived as being an anglophone Canada and a francophone Quebec.

The Honourable Stéphane Dion has just tabled his action plan and acknowledges that official language communities in minority situations have different needs, depending on their state of development. He proposes an administrative framework for implementing Part VII of the Official Languages Act.

This offers a glimmer of hope, although the concerns still remain, because the Act is still perceived by governments as declaratory and not directory. So far, it has proven inadequate to ensure our survival and support the development of our communities. The federal departments that are targeted will never manage to do that if there is no acknowledgment of their obligation to do so.

The debate surrounding the directory character of section 41 must address three important points: an obligation for senior management to report or, in other words, accountability; an obligation to consult the communities; and an obligation to reach quantifiable results based on common objectives.

That is the message I wanted to deliver today, in support of Senator Gauthier's bill.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Robichaud, bill referred to the Standing Senate Committee on Official Languages.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Wednesday being a day when some committees meet at 3:30 p.m. and some at 4 p.m., I ask that all remaining items on the Order Paper stand at the next sitting in the order in which they are today.

[English]

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Terry Stratton: Honourable senators, there is one particular item on the Order Paper that is at day 15. Is the house recommending that all remaining items stand?

The Hon. the Speaker: Is it agreed, honourable senators, that the remaining items on the Order Paper stand in their place until the next sitting?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, May 8, 2003, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, May 8, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, May 8, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

FEDERAL RESERVE FORCE DAY

Hon. Jack Wiebe: Honourable senators, tomorrow, Friday, May 9, will mark a very special day for all federal employees who also serve in Canada's military reserve force.

May 9 has been declared as Federal Reserve Force Day. Tomorrow, at 12 noon, a special ceremony will begin with a statement, signed by the Minister of National Defence, reaffirming the government's support of the regulations that stipulate the leave provisions for members of the Public Service of Canada who are reservists to attend military training with Canada's reserve force. The ceremony will recognize the reservists who serve Canada twice, first, through their civilian commitments in the Public Service of Canada and, second, as members of Canada's reserve force.

Thirty reservists from across Canada, representing 22 federal departments, will be in attendance to witness this signing. Also attending the ceremony will be Mr. John Eaton, the National Chair of the Canadian Forces Liaison Council. The CFLC is a group of businessmen and women who volunteer their time and energy to promote the reserve force and the value of reserve force training in the civilian workplace. This year, 2003, also marks the tenth anniversary of this organization. The council encourages civilian employers to grant time off without penalty to reservists, to allow them to keep up with their military activities. Since 1992, the number of supportive employers has grown from a mere 16 to well over 3,600 today.

Reservists usually train on weekends and evenings. However, most of them need two weeks of full-time service every year to keep their qualifications current. On occasion, some reservists volunteer on operational missions. As a result, reservists acquire special management skills that are useful to all employers; for instance, leadership, time and personnel management and communication skills, the ability to think quickly and to make decisions under stressful conditions. The military also encourages the development of values, such as integrity, self-discipline, teamwork and loyalty.

Reserve force units are located in hundreds of communities across Canada, with a total establishment of about 36,000 personnel. Currently, there are 290 naval reservists serving full time on 10 of our new coastal defence vessels. As well, 412 reserve personnel are serving on humanitarian and peacekeeping missions around the world.

Colonel Greg Gillespie has taken leave from his civilian job with Air Canada in Regina to become the first army reserve officer to command a Canadian Forces battle group, which is presently serving in the remote mountainous region of Bosnia-Herzegovina.

Honourable senators, we have a proud resource in our reservists. Let us begin today to acknowledge their tremendous contribution.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— SELECTION OF EUROCOPTER

Hon. J. Michael Forrestall: Honourable senators, today marks yet another very black day for the Canadian Forces and for every man and woman who flies or serves in the maritime helicopter community, and their families, only superseded, in my recollection, by such events as unification, the retirement of the HMCS *Bonaventure* shortly after a major refit, and the cancellation, almost 10 years ago now, of the EH-101 helicopter program.

Honourable senators, today is the day, almost to the hour and not very far from the minute, that the present government will cross, officially, the point of no return concerning the selection of the NH-90 Eurocopter helicopter to replace the Sea King.

The government has bent over backwards to manipulate and skew this competition to a French competitor from the very start, to the point that it unbundled and then rebundled the competition and changed specification upon specification, even when it could well have sacrificed the safety of crews.

Eurocopter has made representations at the highest levels of this government and has even had Canada's Ambassador to France involved in lobbying the PCO and the PMO, as the government's own documents show.

On this black day, I want to condemn these actions, in part for their Machiavellian adroitness and shameless lack of compassion for the Sea King community in our country. I want to condemn the government on its cover, its own Chrétien approach, to defence policy and the lack of leadership of the Canadian Armed Forces. This is not a surprise, given their treatment of the Canadian Forces over the last 10 years.

I wish the Prime Minister and his ministerial colleagues good health and long life so that they might bear witness to, God forbid, any tragedy that might occur as a result of the very deliberate machinations and manipulations that have gone on for so long in regard to the replacement of the Sea King.

Honourable senators, this will probably be the last time you will hear from me on this matter. It is rather sad.

• (1340)

NATIONAL HOSPICE PALLIATIVE CARE WEEK

Hon. Yves Morin: Honourable senators, we are most vulnerable when we enter this life and again when we leave it. Every year, 200,000 Canadians die. Some 150,000 need palliative care, but only 5 to 15 per cent have access to such care. People living in remote or rural areas or living with disabilities have severely limited access to palliative care services. National Hospice Palliative Care Week is a time to recognize that all Canadians deserve the right to die with dignity, free of pain, surrounded by loved ones and in the setting of their choice.

[Translation]

It is also time to recognize that the members of patients' families also need support, primarily from health care professionals, but also from the community.

[English]

Providing high quality care to Canadians at the end of their lives is a priority for their families and friends, for health care systems and for the federal government.

Budget 2003 delivered a six-week compassionate care leave program so that family members can care for their dying loved ones. The Health Accord signed with the provinces outlines investment in home care, including palliative care and end-of-life care. I would like to recognize the contribution of Senator Carstairs, who has done so much to bring these two measures to fruition.

Research is also critical. We need to know more about pain and symptom management, psychosocial aspects of palliative care and more effective ways of delivering such care. The Canadian Hospice Palliative Care Association has produced a Canadian agenda for research in palliative care that calls for, among other things, more fellowships for researchers in the early stages of their careers.

As well, this week, the Canadian Institutes of Health Research announced the development of a new research protocol for a Canadian longitudinal study on aging. Once the study is underway — and it is one of two major studies on aging — it will provide us with greater knowledge of the end-of-life process and of factors that may contribute to enhanced end-of-life treatment.

Honourable senators, death is inevitable, but a painful, lonely death is not. This week, we recognize the importance of high quality hospice palliative care for helping Canadians die with dignity and comfort.

MENTAL HEALTH WEEK

Hon. Marjory LeBreton: Honourable senators, this is Mental Health Week across Canada. Each year, the Canadian Mental Health Association uses this week to draw attention to mental health issues and increase support for people experiencing mental illness. This year's theme is "Respect, Don't Reject: If you have a brain, you can have a mental illness." This is a pretty blunt message, but it is one that cannot be denied. No matter how uncomfortable it may be to hear, Canadians must be made aware

that we are all vulnerable to the effects of mental illness, either through our own experience or that of a loved one.

Approximately one in five Canadians will have a mental health problem in their lifetime. It has been estimated that mental illness is the second leading cause of hospital use among adults aged 20 to 24. Despite all of the evidence that points to the prevalence of mental health illnesses in Canada, we still tend to look at this problem as something that does not happen to us, but to other people. As a result, we have less empathy for their struggles. In order to change this way of thinking, the Canadian Mental Health Association says that its goal this year is to reduce the shame and social stigma associated with mental illness so that people can seek help without fear of losing their friends, family and even their employment.

In February, the Standing Senate Committee on Social Affairs, Science and Technology began what we hope will be a comprehensive review of mental health and mental illness in our country. The testimony we have heard so far has been both heartbreaking and brutally honest. It is a constant reminder that behind statistics related to mental illness are real people who, on a daily basis, deal with the frustration, helplessness, isolation and all of the other afflictions this illness causes.

Honourable senators, it is my hope that the federal government will welcome the committee's recommendations when we have our work completed in order that a much-needed national approach to mental illness can be implemented. Today, let us congratulate the Canadian Mental Health Association for its dedication and hard work, and wish it good luck in achieving its formidable goals.

HEALTH

OUTBREAK OF SEVERE ACUTE RESPIRATORY SYNDROME

Hon. Wilbert J. Keon: Honourable senators, I would like to take a few moments of your time to stress certain aspects related to the SARS outbreak.

[Translation]

But, before I briefly outline my thoughts, I want to thank everyone who played a role in controlling the SARS outbreak —

[English]

— particularly, the nurses, doctors and other health care professionals who have worked selflessly to care for the individuals affected by this illness. I would like to deeply commend those involved in federal and provincial coordination, despite the confusion surrounding this frightening situation, whose concentrated actions were exemplary in dealing with the WHO ban and getting it lifted.

Having said this, I have very deep concerns about the lack of a global safety net to deal with such a situation. I am sure this may be but the tip of the iceberg. Consequently, we must all learn from this dramatic experience and take an expeditious and truly serious look at building and investing appropriately our resources by contributing to the World Health Organization, the Centre for Disease Control and other like organizations to improve the safety net.

[Senator Forrestall]

It has been my personal belief that we need the equivalent of the American Surgeon General to objectively perform an ongoing evaluation of our health resources and their performance. If honourable senators will recall, the Standing Senate Committee on Social Affairs, Science and Technology recommended the creation of a new national health care council, chaired by a health commissioner, charged with carrying out this task by producing an annual report on the state of the health care system and the health status of Canadians.

The Minister of Health announced that she is considering the creation of a national public health agency like the U.S. Centers for Disease Control, and I congratulate her for this initiative. I am optimistic that we are headed in the right direction. However, I reiterate that, over and above the creation of this new agency, we need a health care commissioner. The Standing Senate Committee on Social Affairs, Science and Technology could appropriately deal with this situation within the year in a brief special report. The need to address the situation must be recognized because, rest assured, honourable senators, we cannot afford to go without it.

[Translation]

ROUTINE PROCEEDINGS

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF EDUCATION, COMMUNICATION
AND CULTURAL AFFAIRS COMMITTEE,
APRIL 15-18, 2003—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, under rule 23(6), I have the honour to table in both official languages the report of the Canadian section of the Assemblée parlementaire de la Francophonie, as well as its financial report. The report concerns the meeting of the Education, Communication and Cultural Affairs Committee of the APF, held in Châlons-en-Champagne, France, April 15-18, 2003.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY BUSINESS DEVELOPMENT
BANK OF CANADA

Hon. Raymond C. Setlakwe: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study and report upon the annual report, mission and corporate plan of the Business Development Bank of Canada and other related matters, and

That the Committee submit its final report no later than December 18, 2003.

• (1350)

PARLIAMENTARY ASSOCIATIONS

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I have the pleasure of announcing the outcome of the latest vote at the Inter-parliamentary Union. Unfortunately, I lost 18 to 12.

Honourable senators, I hereby give notice that, two days hence:

I will call the attention of the Senate to the parliamentary associations, in particular their budgets and the very odd manner in which some of them, specifically the Inter-parliamentary Union, conduct their annual meeting.

I will then make a few comments on this incredible meeting of the Inter-parliamentary Union.

[English]

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME—
MONITORING OF PATIENTS FOR RELAPSE

Hon. Wilbert J. Keon: Honourable senators, the SARS virus is proving to be even more resilient than originally thought. Hong Kong officials are reporting that 12 recovered SARS patients may have suffered relapses. These patients are currently being tested to see if that is indeed the case. Also, Hong Kong scientists are saying that the virus may survive in an infected person's body for at least a month after their recovery.

Could the Leader of the Government in the Senate tell us if Canadian SARS patients who have recovered from their illness are being monitored for a possible relapse? In other words, are patients being followed for a month?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asks a question about the monitoring of SARS patients. As he knows, the patients who have been identified have been in hospital. The good news is that apparently we are down to only 27 remaining in hospital at the present time, although there appear to be two or three who remain in very critical condition. It is possible that there still may be more deaths in Canada as a result of this virus.

When an individual is released from hospital, they are asked to remain in their home for the next five days. They have been following the policy quite rigorously. During that period of time, they are monitored. At that point, they are passed on to their family physician for any further monitoring that is required.

Senator Keon: Honourable senators, as a result of these new findings, Hong Kong doctors are urging discharged SARS patients to refrain from personal physical contact for at least a month after their release from hospital. Are we disseminating the same advice?

Senator Carstairs: Honourable senators, it is my understanding that we are doing it for five days and not for one month. We have had no indication in Canada of any relapse of those who have been diagnosed with SARS, including those who were released quite early in April, and we are now well into May.

I will bring to the Minister of Health the concerns raised by Senator Keon this afternoon to ensure that, if need be, more be done.

SEVERE ACUTE RESPIRATORY SYNDROME— INFRARED SCREENING OF TRAVELLERS

Hon. Brenda M. Robertson: Honourable senators, the World Health Organization agreed to lift its travel ban against Toronto when it was reassured that Canada would begin screening air passengers for symptoms of SARS. As part of this, Pearson airport in Toronto began a pilot project last night using an infrared screening camera on loan from the Government of Singapore.

My question is for the Leader of the Government in the Senate. Is one thermal camera enough to properly screen travellers on all the international flights leaving Pearson airport as well as all flights into Pearson from areas affected by the virus? Will other cameras be added? If so, when?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my understanding that a pilot project will also begin in Vancouver, although I do not know its exact launch date. My understanding was that the two projects would be launched more or less at the same time.

One of the great problems is the unavailability of these infrared scanners. The government will do tests on all individuals who exit Canada to international destinations and return from international destinations where there have been outbreaks of SARS. The Minister of Health, when she made this announcement, said that, regrettably, there would be delays at the airport in order to get all of these individuals through the screening process.

Senator Robertson: Honourable senators, one of the first cases of SARS exported from this country was that of a man who drove himself from Canada to Philadelphia. There is, of course, no way for Canadian border agents to provide SARS screening for land travellers leaving this country. Could the Leader of the Government in the Senate tell us if Canadian border agents have been given any instruction as to screening travellers for SARS, travellers driving into Canada from the United States?

Senator Carstairs: Honourable senators, to the best of my knowledge, that information is not being made available. Also, to the best of my knowledge, there have been examples where we thought that individuals had spread the SARS virus when they had not had the SARS virus.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— SELECTION STANDARDS

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. I wanted to put this question yesterday, but I will do it today.

The minister has constantly told this chamber that the government wants to obtain the best possible Sea King replacement at the best possible price. She has indicated this repeatedly and either does not know or does not care. I suspect it is not the latter, but perhaps the former.

Let me quote from an access document entitled: "Maritime Helicopter Projected Procurement, Strategy Risks." It is a declassified page. The number, for her reference, if she cares to check, is PCO 001867. The document indicates, in part, "the aim is not to obtain as much capability as possible within a predetermined budget."

Can the Leader of the Government in the Senate indicate that the government does not want the best maritime helicopter, it wants the cheapest, even if it is only marginally so, but with excessively less capability than any of the other competitors?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will repeat what I have said over and over and over again. The Government of Canada wishes to get the right aircraft as soon as possible. Yes, it wishes to get the very best helicopter at the very best price.

Senator Lynch-Staunton: That is not the cheapest.

REPLACEMENT OF SEA KING HELICOPTERS— REQUEST BY EUROCOPTER FOR CHANGES TO SPECIFICATIONS

Hon. J. Michael Forrestall: I might urge the Leader of the Government in the Senate to get hold of that document because that is not what her government is saying.

Can the government not admit that on March 26 and 27, 2001, Eurocopter made presentations to the PCO and Public Works and Government Services demanding that one engine, inoperative, be changed in the specifications, and that on April 3, 2001, Ambassador Raymond Chrétien e-mailed PCO, PMO and the Deputy Prime Minister himself — in those days, the Honourable Herb Gray — in this respect? The e-mail requested changes to the one-engine inoperative section.

• (1400)

Will the leader not also admit that the Clerk of the Privy Council then demanded to know why this was not fixed in the letter-of-interest phase; that the Deputy Minister of National Defence then sent a letter to Raymond Chrétien on April 24, 2001, stating that the matter would be solved in the new specifications; and that two subsequent Basic Vehicle Requirement Specifications were issued in May to allow Eurocopter to be technically compliant within the requirement specifications? Can the minister confirm this chain of events, or is she aware of them?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is very much the normal duty of an ambassador to report to their headquarters, from the countries to which they are posted, their analysis of any particular issue of importance to Canada. It would not be at all unusual for e-mails to go from any ambassador to France or ambassador to the United Kingdom or, indeed, an ambassador to the United States indicating that meetings had been held and that information had been shared with the ambassador. That information was being shared with the Government of Canada.

REPLACEMENT OF SEA KING HELICOPTERS—
E-MAIL FROM AMBASSADOR TO FRANCE TO
OFFICIALS IN PRIME MINISTERS' OFFICE
REGARDING EUROCOPTER

Hon. John Lynch-Staunton (Leader of the Opposition): Is it normal for that information to be sent to senior officials in the Prime Minister's Office? I thought ambassadors usually reported to departmental heads or deputy ministers in the Department of Foreign Affairs and were very careful about having those transmissions directly sent to Jean Pelletier, Eddie Goldenberg, Mel Cappe and others at the time.

To save time, my second question is: Since when can we justify our Canadian ambassador in France being a lobbyist for a European aircraft manufacturer?

Hon. Sharon Carstairs (Leader of the Government): I will answer the second question first. There is no question that an ambassador to Canada is not a lobbyist on behalf of any interest. Having said that, it is perfectly reasonable and acceptable that when an ambassador has information made available to him or her from the country that they have been sent from, by individuals in the country in which they are residing, that they would share that information with government officials; not only with the Department of Foreign Affairs but, in this case, also with the Minister of Public Works, since the acquisition of this particular vehicle is primarily the responsibility of the Department of Public Works.

Senator Lynch-Staunton: Why did the ambassador not follow procedure and send at least a copy of his e-mail to the Department of Foreign Affairs? They do not even appear on the list of recipients.

Senator Carstairs: Honourable senators, I have already indicated, and I will elaborate further, that it is the job of the ambassador representing the Government of Canada to keep Government of Canada officials aware of positions represented to him by citizens in the country that he represents.

REPLACEMENT OF SEA KING HELICOPTERS—
CHANGES TO STATEMENT OF OPERATIONS

Hon. J. Michael Forrestall: Honourable senators, it is interesting to note that no copies were directly sent to the Treasury Board or the project office of the Department of Public Works. The e-mail just went principally to the PMO/PCO. The

word was out: Changes were made and that is the bottom line. Prove me wrong and you can have my seat.

Like an atheist, my dear colleagues, there are no Liberals in the foxholes or in the cockpits of Sea King aircraft. What does buying the cheapest Sea King replacement mean? Let us look at "engine failure in hover" or "one engine inoperable," which is the technical language, and how the specifications have changed during this process.

Contrary to what we have been told time and time again: "MHRS (0), safe landing or fly away at 100 feet per minute climb required; BVRS (2), safe landing not required; okay if the aircraft is damaged or lost." There is no mention of the souls on board. "BVRS (5), dumping of stores and jettison of equipment permitted." The hell with the plane and the crew. The specifications have gone from flying away safe or landing to crash and aircraft loss, to dumping out stores and equipment before crash and aircraft loss.

Will the Leader of the Government commit to coming back to this chamber and confirming that it is no longer a mandatory requirement for the new maritime helicopter to land safely or fly away if it loses an engine in a hover?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator well knows, perhaps better than anyone else in this chamber, there were consultations with all industry, those who had the ability to make a bid on this particular project — all of them. They all entered into consultations with the Government of Canada, not just Eurocopter but also the producer of the Cormorant.

Changes were made to some technical specifications, which we have indicated in the chamber. However, those changes were only made when they maintained the integrity and the intent of the Statement of Operational Requirements.

Hon. John Lynch-Staunton (Leader of the Opposition): Is it not a fact that the Government of Canada, as long as this Prime Minister is still there, is doing all it can to ensure that one particular bidder does not qualify? Was that not the point of splitting the bid some years ago, much against the wishes of the Department of Defence experts, which would have allowed both the suppliers and the air frame people to bid separately, which would have eliminated one overall supplier in particular?

Then, fortunately, the present Minister of Defence found that not only was there a poor bidding procedure, but it would cost \$400 million more. Is it not a fact that everything that is said and done by the government, as far as the helicopter situation goes, is all aimed at eliminating one bidder in particular?

Senator Carstairs: The answer is no.

Senator Lynch-Staunton: Then why is this happening?

Senator Carstairs: That is because the bidding process is ongoing, and the honourable senators opposite have no more information than I have as to who will be the final recipient of this contract.

Senator Forrestall: When she leaves the chamber this afternoon, would the Leader of the Government call and find out what deadline happened today and who met it, and then come back and try to tell us that nothing has changed?

Senator Carstairs: Honourable senators, I have no knowledge as to a deadline that happened today. Should I be apprised of information that I have not given to this chamber, I will provide it.

FOREIGN AFFAIRS

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government. The minister will know that yesterday I raised, in the Senate, the question of the possible Canadian participation in the U.S. ballistic missile defence system. I will not repeat the question I raised yesterday because I am confident that the minister has read it.

I would put my question today in the framework of the new government report. I believe it was issued in the last day or so. That report was titled: "Partners in North America, Advancing Canada's Relations with the United States and Mexico," which is the government position on these and other questions. The report clearly states that Canada remains opposed to the weaponization of outer space and that "It is currently not clear that a U.S. missile defence system would include or promote the weaponization of space."

• (1410)

I ask the minister to draw to the attention of the Prime Minister and relevant government officials the United States missile defence agency's current budget submission, in particular page 16, which contains specific references to the testing of space-based kinetic kill weapons, thereby establishing the relationship between ground and space sensors and weapons.

I ask that she further draw to those officials' attention what is contained in the U.S. publication called *Defence Daily*, of February 5, 2003, which discusses these questions and makes clear that there is a relationship between the national missile defence and weapons in space.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question today and the two questions he asked yesterday. I want to spend enough time to deal with all of them.

I will begin by saying that Canada remains firmly opposed to the weaponization of space. We do support the continuing use of space for military purposes, such as navigation, mapping, communication and surveillance, as well as the meteorological services and arms control verification that are presently taking place. We would be deeply concerned were missile defence to include or promote the weaponization of space, and it is not yet clear whether a U.S. missile defence system would do so. We are aware that the United States administration is conducting

research into space-based weapons and that it is seeking congressional approval for funding the program, which could include testing in 2008. I think that is the question that Senator Roche was essentially putting today.

This is a controversial issue, as he well knows, not just in Canada but also in the United States, for political, budgetary and, indeed, scientific reasons. Previous funding requests for space-based weapons research has been cut or reduced by Congress. We are watching developments in the United States closely and raising our concerns about the possible weaponization of space.

Senator Roche: I thank the minister for that answer. I do not know how she feels about tabling the report to which I referred as a government report. I think it would be helpful, but I leave that to her.

Honourable senators, if it is established objectively that a mix of ground and space sensors and weapons does exist in the missile defence program, and thus ground and space are not being effectively separated, and thus putting weapons into space, can the minister give an assurance that Canada will then make a formal decision not to participate on the grounds that the system is inextricably linked to weapons in space?

Senator Carstairs: Honourable senators, I can only reiterate for the honourable senator that Canada is firmly opposed to the weaponization of outer space and recognizes that the best time to prevent an arms race in outer space is before one has actually begun. That position of the Government of Canada has not changed.

As to any further discussions that may take place with the United States, no decision has been made on whether we will even begin those negotiations. However, one thing remains firm, and that is Canada's outspoken opposition to the weaponization of space.

Senator Roche: Honourable senators, can the minister give us her assurance that she will carry forward, in the manner in which she has influence in the government, the belief that the longer the informal talks that are now going on at departmental levels — let them go on for a long time — the better for the successful resolution of this issue in relation to all the difficult, delicate questions involved in the various relationships that our country holds?

Senator Carstairs: I will certainly bring that representation from the honourable senator. I think that the message from the Canadian government, when that message is finally decided upon, must be clear to the Canadian people and supportive of the Canadian people's position, that they do not want to participate in the weaponization of space.

UNITED NATIONS

REVITALIZATION OF ORGANIZATION

Hon. A. Raynell Andreychuk: Honourable senators, the failure of the United Nations to successfully deal with the recent Iraq crisis underscored some of the critical shortcomings of the United Nations structures, as they are now.

On Sunday, on Canadian television, Richard Perle, who has some influence in the United States and is on many foreign affairs councils, suggested that Canada could provide some intellectual leadership in helping the UN to respond to issues in the 21st century. This would be a golden opportunity for Canada to show its leadership by pushing for revitalization of the United Nations. In the past, we have been involved in studies on how to revamp the Security Council and the General Assembly and how to manage its bureaucracy. Some well-noted Canadians have participated in the past.

What plans does the Government of Canada have underway to convene panels and to create studies with other countries to consider the means by which the United Nations can be revitalized in the coming years?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, unlike the honourable senator, I believe that the United Nations remains a very vital organization, one that should be supported by all nations of the world. In terms of the revitalization — if such revitalization is necessary — Canada has always pledged its commitment to the spirit that the United Nations represents and, indeed, to its decision-making.

Senator Andreychuk: Honourable senators, Canada was one of the leaders in the formulation of the United Nations. It was the leader's government, I may say, that undertook much of the reform initiative with regard to its bureaucracy and looked at a new formulation for the Security Council, which, as we know, is not representative of the realities of the world, and in fact, put forward suggestions on how a new Security Council might be formed. Those initiatives were all taken previously.

It would seem to me that, while some reforms were undertaken with the leadership of the Secretary General, many were not implemented. Either the timing was incorrect or there was a lack of political will to do so.

It would seem to me that there is now a political will from all parties to put the United Nations back on track, particularly in diplomatic negotiations. Therefore, perhaps some of the old reform suggestions would be timely now, or perhaps there are new initiatives. It would seem Canada's leadership role is needed in that regard.

Senator Carstairs: Honourable senators, the honourable senator mentions the importance of timing and political will. She, of course, does not mention financing. There are certain very wealthy nations in this world that have failed to meet their commitments to the United Nations. Fortunately, Canada is not one of them.

I can assure the honourable senator that Canada will continue to take a leadership role, both in timing, political will and financing.

Senator Andreychuk: Honourable senators, can I take from that response that there is no plan underway to look again at the United Nations and to convene perhaps an international blue-ribbon panel to conduct some studies on the United Nations? There is now some will on the part of the United

States and Europe that could be very helpful, and perhaps there would then be an encouragement to have the finances brought into line also.

Senator Carstairs: Honourable senators, with the greatest of respect to the honourable senator, any such blue-ribbon panel must be established by the United Nations itself. If she is suggesting that Canada would want to be a part of that panel, I would suggest that Canada would be more than willing. If she is suggesting that Canada should make representations for the establishment of such a panel, I will certainly bring that suggestion to the cabinet table.

Senator Andreychuk: Honourable senators, that, in fact, is my suggestion, if it is not being done, because I think it is very opportune now. With the foreign minister's perspective on international multilateral procedures, I think it would be timely and desirable that Canada initiate such a plan.

• (1420)

[Translation]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday, just before Orders of the Day, I read the message from the House of Commons stating that it had agreed to the Senate's request to divide Bill C-10. The message also stated that the House of Commons waived its claim to insist on its privileges in this case and did not want this action to be taken as a precedent.

Senator Lynch-Staunton then rose on a point of order to ask about the status of Bill C-10B that is still before the Committee on Legal and Constitutional Affairs. There then followed a series of exchanges involving a number of senators on this question and other aspects of the message as well.

[English]

I wish to thank all honourable senators for their contribution on this point of order. The Senate study of Bill C-10 has been a difficult one. There is no doubt that in some ways the Senate has ventured into uncharted procedural waters and it has been somewhat of a challenge for the Senate to keep its bearings.

I have already made a number of rulings on the process that has been followed with respect to Bill C-10 and the instruction made by the Senate last November 20, authorizing the Standing Senate Committee on Legal and Constitutional Affairs to divide the bill into two bills. As I have explained to the Senate in my earlier rulings, there are no identical precedents to help guide our procedures. I have also stated, however, that I do not doubt the authority of the Senate to take this course of action, and I believe the Senate has proceeded correctly.

Now I propose to deal with the various questions raised with respect to the point of order. I hope that this will allow the Senate to better understand where things stand as a result of the message received yesterday from the House of Commons.

[Translation]

As I see it, there are two basic questions that need to be answered based on the discussion on the point of order. The first is the one that Senator Lynch-Staunton raised on the status of Bill C-10B. The second question has to do with the language of the message expressing the position of the House of Commons and the fact that it does not regard its consent to the division of the bill to be a precedent. A third question, which I touched on yesterday, related to the matter of a message being debatable or not.

[English]

The status of Bill C-10 was the subject of a ruling that I made on December 9. At that time, I provided the Senate with an account of the chronology of the procedures that were followed with respect to Bill C-10. This ruling is in the *Journals* between pages 368 and 370. As I pointed out on that occasion, Bill C-10 came to the Senate on October 10. The Senate agreed to refer the bill to the Standing Senate Committee on Legal and Constitutional Affairs in late November. It also agreed to a motion permitting the committee to divide the bill into two bills.

The committee did divide the bill and reported one portion as Bill C-10A without amendment. Bill C-10B was retained by the committee for further study. On November 28, the Senate adopted the committee's report. From that day, November 28, quoting from my ruling:

...for all intents and purposes within the Senate, and I must stress this point, from within the Senate, Bill C-10 existed as two bills, C10A and Bill C-10B.

Third reading was given to Bill C-10A on December 3. The message sent to the House of Commons spelled out the actions that the Senate had taken and asked for its concurrence. Quoting my ruling again:

The message indicated that the Senate was returning to the Commons their Bill C-10, as divided by the Senate together with the information that the Senate had passed Bill C-10A without amendment and was continuing with the study of Bill C-10B. Of particular importance, the message requested the concurrence of the House of Commons in the division of Bill C-10. This is highly significant. From the point of view of the House of Commons, only Bill C-10 exists. We, in the Senate, have elected to divide the bill, creating Bills C-10A and C-10B, but as it is a Commons bill, the concurrence of the House of Commons is necessary to fully implement the actions taken by us in the Senate.

Yesterday's message from the House of Commons announced that the Commons has agreed to the division of Bill C-10. This means that Bill C-10A had been approved by both Houses and is now ready for Royal Assent. It also means that, for the House of

Commons, Bill C-10B exists now, as well. In reality, this means that the Commons has accepted that the substance and text of this bill were approved by them and sent to the Senate when it was still part of Bill C-10, but it has now agreed *post facto* to designate it as Bill C-10B. A parchment version of Bill C-10B was attached to the message as confirmation.

What the Senate had proposed with respect to the division of Bill C-10, the decision it took make Bills C-10A and C-10B, has been agreed to by the House of Commons. The Standing Senate Committee on Legal and Constitutional Affairs can now complete its study and report Bill C-10B.

When the bill is reported back, the Senate will have the opportunity to consider the bill further. If Bill C-10B is passed, with or without amendment, a message will be sent to the House of Commons acquainting it of the Senate's decision and soliciting its concurrence if there are any amendments. If and when this process is satisfactorily completed, Bill C-10B will also be ready for Royal Assent.

I take it that the reason there has been so much confusion is because it has been difficult to appreciate the different perspectives of the two Houses during this process. The House of Commons adopted Bill C-10 last October 9 as one bill. The Senate divided it into two separate bills and returned one to the House of Commons while keeping the second bill in the Senate committee for further study. From the Senate's perspective, there were now two bills. This was not the perspective, however, of the House of Commons, and the message that was sent to them by the Senate had to take this difference of perspective into account. The message therefore had to inform the Commons that the Senate had studied Bill C-10, divided it into two, and adopted Bill C-10A without amendment.

From the Commons perspective, Bill C-10 was not yet divided; it was still one bill. It was only when the House of Commons agreed to the division first made by the Senate that there was a convergence in perspective. There is now no Bill C-10, and Bill C-10A had been adopted by both Houses. It remains for the Senate to complete its work with respect to Bill C-10B, already passed by the House of Commons when it was still Bill C-10. That is why the parchment to Bill C-10 was returned to the Senate where it will remain part of the permanent parliamentary record as evidence that the Commons did pass what now constitutes Bill C-10A and Bill C-10B.

I trust that this explanation will help to resolve some of the confusion that has troubled some senators through this admittedly unusual process. After all, it is only the second time in Senate history that the Senate has attempted to divide a Commons bill.

Let me now turn to the second question that was raised as part of this point of order — the language of the second paragraph of the message. Its force apparently offended some senators. This paragraph declared that the House of Commons was prepared to waive its claims even though it disapproved "of any infraction of its privileges or rights by the other House." Furthermore, the Commons made it clear that it was not prepared to consider this event as a precedent.

Several senators suggested that this message infringed the privileges of the Senate. Others argued that if the Senate accepts this message, it would amount to an admission of wrongdoing on the part of the Senate. The House of Commons, it was argued, can agree or disagree with the Senate's decision to divide Bill C-10, but the Commons does not have the right to disapprove of the Senate's decisions, at least not in this way. Another senator was more indifferent to the meaning of the message, explaining that whether the Commons or Senate accepts this event as a precedent, it is really a decision for each chamber to make.

[Translation]

Honourable senators, there is little doubt that the language of the message seems stern, almost harsh. It is not, however, without precedent. Identical language was used in a message sent to the Senate on March 20, 1997 and printed in the *Journals* on page 1141.

• (1430)

On that occasion, the message concerned amendments proposed by the Senate, and accepted by the Commons, to Bill C-70, a tax bill entitled: An Act to amend the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Act, the Debt Servicing and Reduction Account Act and related Acts.

And as we are aware from the traditional Royal Assent ceremony involving supply bill, the House of Commons is jealous of its authority with respect to money bills.

[English]

Supply bills are always presented at the Senate bar by the Commons Speaker and are tied in a green-coloured ribbon, emblematic of that House rather than the usual red ribbon. Nor is the 1997 message unique, though it is infrequent. Whenever the Senate has made amendments to a tax bill that were subsequently accepted by the Commons, the Commons message invariably declares that the Senate should not regard the acquiescence of the Commons as a precedent, as an indication that it is surrendering its proprietary authority over the purse of the Government. It is consistent with the past practice of the House of Commons to send the Senate such messages relating to matters that they feel infringe their rights and powers. I do not think that there is cause for the Senate to have any misgivings. Certainly there is no point of order requiring my intervention.

Finally, as I stated in my ruling of December 4, 2002, messages between the two Houses are a vehicle for formal communication. The content of the message received from the House of Commons will often determine whether the message is debatable or not. In this particular case, there is no subsequent action flowing from the message itself that would require debate. The message advises the Senate that the Commons has passed Bill C-10A. It also includes a standard declaration about claims to privileges that are being set aside in this instance without prejudice to the merits of those claims.

There is nothing that I can see in the text that would warrant debate on the message. Despite the harsh language, it is conveyed to the Senate for information purposes only.

In conclusion, honourable senators, I rule that there is no point of order based on the arguments that were made yesterday.

ORDERS OF THE DAY

CODE OF CONDUCT AND ETHICS GUIDELINES

EIGHTH REPORT OF RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled: *Government Ethics Initiative*, deposited with the Clerk of the Senate on April 10, 2003.

Hon. A. Raynell Andreychuk: Honourable senators, an interim report by the Standing Committee on Rules, Procedures and the Rights of Parliament was tabled April 10, 2003. The report is the result of a reference given to the committee on February 4, 2003. It is noteworthy to remind honourable senators of that order of reference. At page 2 of our report, referring to the order of reference, the committee was asked:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report", tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament;

That the Committee, in conjunction with this review, also take into consideration, at the same, time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause;

That the Committee, in conjunction with the review, also take into consideration the present *Rules of the Senate*, the *Parliament of Canada Act*, the *Criminal Code of Canada*, the *Canadian Constitution*, and the Common Law to determine after a full compilation and review of these provisions whether they do of themselves adequately serve to assure high ethical standards in the actions of Senators in performing their duties, and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate.

As honourable senators can see, the order was extremely complex, requiring the committee to conduct a very intensive study of all aspects of ethics, including previous reports, United Kingdom parliamentary codes and all rules, the Parliament of Canada Act, the Criminal Code of Canada, the Canadian Constitution and the common law.

No doubt honourable senators will agree that this is a long and complex study, which is what the committee embarked upon. There was some agreement that since the government was more interested at the moment in the administrative aspects rather than on the rules or the code, or at least it appeared that way, we would start looking at options available or necessary for the Senate in any code or rules process.

Quite naturally, witnesses had broader experiences. As such, we touched on many code issues, as well as administrative issues. As we were proceeding in our study with many issues yet to be determined, we were advised that the government would be introducing legislation in May and that we should produce some report to give the government the benefit of our views.

From our side, as deputy chair, I pointed out that any views given would be premature and that we did not see what particular magic there was about the May date, given that the government had not particularly proceeded in haste during its many years in office. Nonetheless, members opposite indicated they wished an interim report. It was proceeded with on the basis that it was strictly an interim report, expressing indications of some consensus at that point in time.

I stated clearly that once our full report was completed, the interim findings may not take us in the direction we wish to go and that, therefore, the report should not be seen as binding opinions of the Senate, the committee or any individual senator.

On page 2 of our report, honourable senators will find this statement:

We emphasize that this is an interim report and that our ideas may evolve further as we continue our examination of the issues.

My fears have been that should the government take note of our report, it would take it as the definitive word on behalf of the Senate. From the comments of the honourable Leader of the Government in this chamber last Thursday in her intervention on this report, Bill C-34 was referred to in great detail, indicating that the government had listened to our recommendations. It now appears that we have been put in the position that the government has justified some of its bill on the basis of our report, when we clearly stated that our report was "in progress" and not necessarily our final view.

At some point, I will make known my view on Bill C-34. The bill seems to attack the issue of corruption — something which was amply demonstrated last week in this chamber — and not the issue of the rules or the code of conduct. Rather, emphasis is placed on a criminal issue which, if raised implicitly as one of the

reasons for Bill C-34, will give credibility to the misconception in the public of wrongdoing in the Senate.

A simple scanning of newspapers and debates in both chambers points out that if there have been allegations, they have not been against senators or ordinary members in the other place. Rather, they have centred around the Prime Minister and cabinet. We certainly know that when these allegations take hold, they are often turned into myths and then truths in the mind of the public.

One only has to be reminded of the Airbus scandal. If those making allegations at that time had taken care with the democratic process, they would understand that vindication 10 years later is small comfort.

Honourable senators, there have been some indications that our present rules, while continually adjusted and perhaps codified and reworked in a different format, are all we need. It is, however, a prevailing mood that something more substantial in the way of a review should take place.

• (1440)

As I indicated in a question to Senator Carstairs, I believe that we have been revamping the rules, and had there been any immediate concern or immediate case or issue, the Senate has dealt with it. Having said that, it is perhaps timely to do a more exhaustive and thorough review, and that is what the committee hopes to accomplish.

The interim report is somewhat misleading as we talk about forms of administrative practices when we do not know what the rules will be when they are in place. Equally, if we had put a code in without determining how we would put it into practice, that would also be misleading. Surely, we must decide what are the rules, in what form, and then look at ways and means of implementing them to ensure the best results.

To determine whether the rules should have an ethics officer statutorily defined and implemented or simply defined by the Senate without a statutory framework seems not to be the issue at this point. Rather, we should determine what are the rules and then determine the most effective way to accomplish this.

At this point, I can hardly resist going back to Bill C-34. It would appear that Bill C-34 recognized the uniqueness of the Senate and its different workings, and that is reassuring. That this message has at least reached some members opposite in the government no doubt has something to do with Senator Carstairs having brought this matter forward in cabinet. However, Bill C-34 then gives the Senate the right to determine the scope of the mandate, in essence, of the ethics commissioner. If there was not a statutory enactment of the ethics officer, and if a code or set of rules were put together and given to an ethics officer, as contemplated in Bill C-34, without Bill C-34 as a statutory framework, the Senate would do the same. There is no benefit to a statutory enactment of the Senate officer, but there is a potential loss of parliamentary privilege by enactment. If all of the discretions lie with the Senate to make the rules to determine how the Senate officer will conduct himself and that Senate officer will report back to the Senate, a committee of the Senate or a delegate

of the Senate, then why would we want within Bill C-34 to statutorily allow for a Senate officer, thereby opening the gate for the courts to comment on parliamentary privilege?

Suffice it to say that the committee is in the early stages of receiving evidence, both on the code and on various options and their implications. I trust that this chamber will support the continuance of the work of the committee in conducting a full and complete review of all the issues before coming to its final recommendations.

While the interim report could be an update of witnesses heard to this point, it should not be seen as in any way hinting at possible recommendations, which I hope will follow and which will receive full scrutiny and debate in this chamber.

Honourable senators, I also want to point out that Senator Carstairs indicated that the courts have not intervened on parliamentary privilege to this point. In fact, they have not. They have been conscious of parliamentary privilege, but the ambit and the extent to which parliamentary privilege exists has been commented on in the courts. While the courts have indicated that parliamentary privilege is correct and needs to be upheld in a democracy, they have also said that actions of parliamentarians attempting to stretch parliamentary protections and privileges to actions that are clearly not parliamentary privilege actions should be the subject of court comment and intervention.

Further, if a new act is put in place, the precedents of the past may be instructive, but they are not the end of the discussion. Courts can view legislation in a new light and perhaps will take a different point of view on parliamentary privilege and their right to comment on it. Therefore, a statutory framework is one that could leave senators open to a question of whether their parliamentary privilege has been extended too far, whether it is appropriate in today's timing and, therefore, could put this venerable institution into a different position in our democracy than is contemplated and necessary.

This debate should be about protecting the principles that afford us the generous democracy within which we live. It should be a study of how rules and ethics encourage everyone, be it a parliamentarian, the executive, the judiciary, the press or citizens at large, to use best practices and best behaviours to ensure that we maximize and reach for ever higher standards of behaviour. I believe that is the type of study on which the Senate committee has embarked, and I look forward to the committee continuing its review.

Hon. Jack Austin: Honourable senators, I thank the honourable senator for her comments, which I think are a solid contribution to the issue that is under discussion.

What is the role of this report, which is an advisory of sorts, in the debate that we will have if, when and as Bill C-34 is brought to us?

We used to have a custom in the chamber called the "Hayden pre-study," named after Senator Salter Hayden. Is this a pre-study of Bill S-34? Perhaps the honourable senator, being a member of the Rules Committee, could advise me whether these are comments about principles while the real study of and debate about the issue will be when the bill is presented to us?

Senator Andreychuk: My understanding was that the government brought forth, as noted here under Government Business, an issue about principles, and it related to the Milliken-Oliver report. They wished us to study it. We started to study it, and we thought we would have adequate time to canvass all the issues and give our best advice to the government on where it should go with the ethics issue, particularly, with respect to the Senate. In the course of our study, we were alerted that, irrespective of what we were doing, Bill C-34 would come to the Senate in May. That is how we got into the conundrum of what to do. Do we do nothing? That might have been my option, saying that if the government has already decided where it wants to go, what impact will we have? Perhaps we should wait until the bill arrives and debate it fully.

The majority opinion in committee was that an interim report would be useful. To the extent that I yielded to the majority, I think we were influential in indicating that there should be a separate understanding of what the Senate is and that one officer for everyone is not the case here.

Perhaps other pieces have been picked up in Bill C-34. I have not done an exhaustive study of it, having only read it superficially at this point. We are now in the conundrum that I believe we should continue the study for the sake of the Senate. It is important for the Senate to come to a collective determination of the rules we wish to have in place and how we wish to manage ourselves?

Honourable senators, I hope the government will listen to us. The government has come around the bend rather quickly with Bill C-34, choosing options that preclude our study down the line. Senator Austin's question might be better directed to the chair of the committee.

• (1450)

The Hon. the Speaker *pro tempore*: Senator Andreychuk, I regret to advise you that your time for speaking has expired. Are you asking for leave to continue?

Senator Andreychuk: I would seek leave to finish this question.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: Just to reiterate, my point would be that it is timely and necessary to have a full look at the rules. We have rules, but they are in different places. Perhaps we should look at a more refined codification. Perhaps we should have another debate on public expectations, but we have not entered into that debate. There is a significant amount of work yet to do.

Bill C-34 has arrived before we have finished our work. A modality has been chosen, and I may or may not like it. I do not know yet, and I will study it. However, what troubles me more than anything is that the modality, if pushed into place before we complete our study, will open to scrutiny by the courts the Senate's parliamentary privileges, or at least it has the potential to do that.

I am puzzled as to why Bill C-34 has this urgency to it when there has not been the urgency in the past. It was introduced and been on the Order Paper here for some considerable time. The committee only received its reference for the study in February. Now the bill is before us. It is one added complication in our study. I have received assurance that we will continue the study.

Senator Austin: Honourable senators, I have a short supplementary question. If the government were to make the argument that this debate on this interim report is really the debate on Bill C-34, do I understand that the honourable senator's answer would be, "Not at all"?

Senator Andreychuk: That is correct. I was ready to speak at some point. Senator Carstairs then took the opportunity to use our report and to talk about Bill C-34. I have some difficulties with Bill C-34, on the face of it, and with the fact that it impedes the completion of our full study. Perhaps, in consultation with the committee, I should be asking that Bill C-34 not be introduced in this chamber and dealt with until we have completed our study, so that all senators may have the benefit of our review.

I have already been approached by some senators who have asked, "Why did you say this and that in your report, binding us?" I continue to assure senators that no definitive decisions have been taken.

Hon. Bill Rompkey: Honourable senators, I am pleased to join the debate on the ethics package, specifically the interim report tabled in this chamber by the Standing Committee on Rules, Procedure and the Rights of Parliament.

First, I should like to thank the Honourable Senator Milne, who is ably chairing this committee, and the Honourable Senator Andreychuk, our deputy chair.

Honourable senators, I have had the privilege of serving in Parliament for over 30 years, first in the other place and now here. It is a source of pride that I have had the opportunity to serve the Canadian public. I have no hesitation in saying that in that experience, I have found high ethical standards among my colleagues in both places of the Canadian Parliament.

I do not believe, nor has anyone on either side of the chamber alleged or suggested, that we have a problem with ethical behaviour in the Senate. However, we cannot ignore the fact that the world has changed. Standards have changed. Expectations have changed. All across Canada, codes of conduct have been put in place over the past decade that ensure not only that politicians always act in the public interest — I think they do, just because it is the right thing to do — but to enable Canadians to see clearly that the public interest always comes first.

This kind of transparency is relatively new, but it is important. I believe it is no longer good enough for politicians to say, "Trust me." Canadians have a right to be able to see for themselves that we are acting ethically and in their interests. I consider it a profound privilege to serve Canadians in Parliament. I believe it is my job, in these situations, to ensure that I am meeting changed expectations.

As a Canadian citizen, I have the right to privacy, but in accepting the appointment to this chamber, I believe I accepted a public trust that may require me to relinquish some of that cherished privacy in the public interest — by no means all, but some.

Certainly, I accept that I may be held to a very high standard, and that is fine. I happen to believe that we in this chamber already hold ourselves to high standards. I have no difficulty accepting rules that will make those standards, that we already have, transparent and readily apparent to all Canadians. I am confident that we can only benefit from Canadians knowing more about our work here and the seriousness with which we view the trust that has been placed in us.

I welcome the government's initiative in introducing the ethics package that we are studying. I look forward to continuing the standing committee's study of the proposed code of conduct and returning, soon I hope, to this chamber with the results. To date, we on the committee have spent a great deal of time considering and discussing the proposed independent ethics adviser. As proposed, this person would serve to advise us as individuals on how to fulfil our obligations under the code and to prevent problems from arising. The person would serve as adviser to the chamber to help the Senate maintain its ethical standards vis-à-vis its members. He or she would investigate alleged breaches of the code and then advise the chamber on how we as a body should address particular problems. As proposed, the Senate would retain full control over the adviser and over its members.

As honourable senators have heard, a number of us were concerned about the original proposal that there be one ethics commissioner who would oversee and advise on the ethical obligations of public office-holders, members of the other place and senators. We believe that the Senate is a distinct entity within the Canadian parliamentary structure and that we should have our own Senate ethics officer. I am pleased to learn from the Leader of the Government that the bill introduced recently in the other place includes our committee's recommendation on this point and will provide for the appointment of a Senate ethics officer separate and distinct from the other place and from public office-holders.

I am also pleased to learn that our comments were heard with respect to the need for senators to have meaningful input into the appointment process of this Senate ethics officer.

Senator Oliver, while not a member of the Standing Committee on Rules, Procedures and the Rights of Parliament, nevertheless was generous with his time and knowledge of the issues before us and attended a number of our meetings. He pointed out two important reasons for having an ethics officer or code of conduct: consultation and prevention. These are important functions, but

to be effective, we on both sides of this chamber need to have the utmost confidence in the person who holds this position. As a committee, we were not satisfied that the appointment process originally proposed by the government would achieve this. We recommended changes to ensure input from the leadership of the recognized parties in the chamber and also a confirming vote in the Senate. I am glad to hear that our concerns were heard and resulted in changes to the proposal.

Honourable senators, it is not enough that we put in place a process that satisfies us that the Senate ethics officer is independent and deserving of our trust and confidence. The Senate ethics officer would also enable the Canadian public to see that their trust is correctly placed in us. The appointment process must be one that instils in the Canadian public trust and confidence in the Senate ethics officer. That means that the position must be established in legislation, with a term, and especially with defined grounds for early removal. In other words, there cannot be concern that if we are displeased with the advice we are receiving, we can dismiss the Senate ethics officer. He or she cannot serve at pleasure, for that does not lead to independence.

I appreciate that some senators are anxious to ensure that we do not undermine parliamentary privilege by creating this position in statute. However, I listened carefully to the testimony on this point before our committee. While there were witnesses who told us that at any time the place and the statute increases the chance that a court will accept jurisdiction to interpret the legislation, nevertheless it is quite clear that Canadian case law has held that privilege does attach to the activities of the ethics commissioners and the courts will decline to review their activities as a result. The witnesses were also very clear that we can take steps in drafting the rules on the role of the Senate ethics commissioner to help ensure that parliamentary privilege will attach.

• (1500)

Although we do not have the bill before us today, my understanding is that, if words have not already been put there to ensure that privilege attaches, they will be put there, and that is something we should ensure when the bill comes before the Senate. It is quite possible to have words placed in the legislation that ensure parliamentary privilege attaches to the position of a Senate ethics commissioner.

I was also impressed with the testimony of the provincial ethics commissioners who appeared before us. Commissioner Ted Hughes is probably one of the most respected authorities in this field. He has served as Ethics Commissioner in British Columbia, the Yukon and now the Northwest Territories. He was very clear in his testimony to us, saying that, in his experience, court interference has not been a problem. Privilege attaches. The courts respect this and do not seek to interfere or to review the activities of ethic commissioners.

Honourable senators, I am satisfied that we would not run a dangerous risk by entrenching the Senate ethics officer in legislation. Other Senate officers, such as our clerk, are appointed pursuant to statute. This has not caused a problem, nor has anyone tried to suggest that this has in any way undermined or threatened parliamentary privilege.

Meanwhile, it is critically important that a Senate ethics officer be and be seen to be independent. The Senate ethics officer's role is pivotal to the proposed ethics package. If the position were an appointed one simply under the Senate rules, then the rules could be changed. He would be our employee serving at our pleasure. I do not believe that is good enough. As a chamber we deserve, and Canadians expect, more than that.

Honourable senators, I believe we are on a track to an excellent modern set of rules that will help us maintain our already high standards of conduct. Moreover, by this appointment, Canadians will clearly recognize the high ethical standards of their parliamentarians. The Senate ethics advisor will represent a significant step in this regard. I look forward to continuing the work on the proposed code of conduct in committee, and to returning to this chamber as soon as possible with a final report.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I would like to ask a question of Senator Rompkey. Does he share my opinion that it should be a given that an ethics commissioner in the Senate speak and write in both official languages?

[English]

Senator Rompkey: Honourable senators, absolutely, I think that is a given and a fundamental issue on which we should rule here in this chamber.

On motion of Senator Stratton, debate adjourned.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, before the adjournment motion is put, I should like to ask whoever is moving the adjournment, when we might expect to hear from Senator Prud'homme on second reading debate? This order has been adjourned for a week now. Hopefully, we will have the opportunity to hear his views early next week.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I was going to propose, as per our usual practices, that debate be adjourned until the next sitting of the Senate, on behalf of the senator who had previously asked for the adjournment, Senator Prud'homme. Since he is here, perhaps he could respond to Senator Kinsella's concerns.

Hon. Marcel Prud'homme: Honourable senators, this is only the first day the bill has appeared on the Order Paper. Some items on the Orders of the Day are only dealt with on the 11th or 12th sitting. I do not see why we should get excited over this. It is not a matter of national emergency.

I will not speak today, especially after the unfortunate events that occurred at the annual meeting of the Inter-parliamentary Union. This is not the time to make a flamboyant speech that might go beyond anything that I want to say about this bill. I do not understand why anyone would want to cut short the debate.

I again ask that debate be adjourned, and I do not intend to go on about the matter. Senator Kinsella is not the only one to want to debate the bill, others would also like to speak to it, and I will not prevent anyone from doing so. Senator Kinsella has sponsored many bills that have been deferred to subsequent sittings or that have been adjourned by various other senators.

If there are senators who wish to speak to it today, then stand up! I know that there are senators who would like to speak, but they are not here. However, I do not want to be told, all of a sudden, that a minister like Ms. Copps, whom I adore, thinks that it has become a matter of national urgency that this bill be passed. This goes to the very core of what our country represents. I do not see why we would want to adopt it so quickly, because it has profound consequences.

[English]

I have the permission of Senator Forrestall to remind you that he and I are the only two survivors of the committee that studied the national anthem in 1967. Honourable senators, I see no urgency to deal with this matter immediately.

The Senate is a place where we must be calm, so I will remain calm.

[Translation]

Let us calm down and await further developments.

[English]

Honourable senators need not concern themselves. I will speak eventually.

Order stands.

• (1510)

STUDY ON MATTERS RELATING TO STRADDLING STOCKS AND TO FISH HABITAT

REPORT OF FISHERIES AND OCEANS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (study on matters relating to straddling stocks and to fish

habitat) presented in the Senate on March 27, 2003.—(*Honourable Senator Rompkey, P.C.*).

Hon. Francis William Mahovlich: Honourable senators, Canadians are told it may take a very long time — years, maybe decades — before Atlantic groundfish are able to recover, if ever. This spring the Standing Senate Committee on Fisheries and Oceans conducted hearings on the question of fish stocks that straddle the 200-mile limit on Canada's continental shelf. The Northwest Atlantic Fisheries Organization, or NAFO, is responsible for managing fisheries outside Canadian waters on what are known as the Nose and Tail of the Grand Banks and the Flemish Cap.

Conservation decisions are now more generally accepted by NAFO members than was the case in the late 1980s and early 1990s. However, the number of fisheries violations in the area managed by NAFO has increased substantially since 1995. From what I heard during the course of the Senate committee hearings, NAFO is failing to adequately fulfil its role in the areas of reporting violations and enforcing compliance with regulations. Some witnesses said that most NAFO member countries do not have a sufficient economic stake in the fishery to invest in the expensive business of high seas fisheries management and conservation.

The evidence suggests that, for many NAFO members, the organization is only a means to gain access to fish. Conservation is not a priority. Canada, for its part, has a disproportionately large economic stake in conserving the straddling stocks adjacent to its Atlantic coast. We are also a major financial contributor to the operation of NAFO, but apparently have very little clout in the organization.

In August 1999, Canada ratified the 1995 treaty on straddling and highly migratory fish stocks known as the UN Fish Stocks Agreement, or UNFA. This will help regional organizations such as NAFO to better manage stocks on the high seas outside waters that fall under national jurisdiction. In fact, the UNFA treaty was a Canadian initiative, and Canadians played a significant role in shaping that document we ratified in August 1999.

The European Union — the most important NAFO member next to Canada — has yet to ratify UNFA, but has publicly committed to it. The EU intends to ratify it en bloc; that is to say, all EU countries will be ratifying simultaneously. We recently learned from the Department of Foreign Affairs that, with the one exception of Ireland, the EU is now ready to ratify the 1995 UNFA by June 2003. In the case of Ireland, the department informed us that passing legislation to ratify UNFA is a priority for the Irish government. I urge my fellow parliamentarians in Ireland to make the required legislative changes so that the EU can finally ratify UNFA.

Across the Atlantic Ocean, a collapse similar to what we have witnessed on the East Coast of Canada may be occurring in the North Sea. In October 2002, an international scientific advisory commission recommended that all fisheries targeting cod in the North Sea, Irish Sea and waters west of Scotland should be closed. The United Nations Food and Agricultural Organization warned in a 2002 study that nearly half — 47 per cent — of the

world's marine stocks or species groups are fully exploited, with no reasonable expectations for further expansion. Another 28 per cent are either overexploited or depleted. Some stocks have been so severely run down they may never rebound.

The need for international cooperation is being loudly articulated. At their 2002 World Summit on Sustainable Development in Johannesburg, world leaders committed themselves to maintaining and restoring the depleted stocks with the aim of achieving these goals by no later than 2015.

In December of this year, an international conference called Deep Sea 2003 will be held in Queenstown, New Zealand. The forum will allow experts to discuss issues relating to the conservation and management of the continental slope and deep seas. As the oceans are being exploited as never before, there is widespread agreement on the need to identify and develop future directions and governance of deep-sea fisheries.

In closing, Canada is a maritime nation bordering three oceans, with the world's longest coastline and the largest archipelago — in the Arctic. Therefore, it is in Canada's economic interest to have an effective global maritime regime in place. We should continue to support nations that want to ensure this renewable resource is available for the benefit of future generations.

On motion of Senator Robichaud, for Senator Rompkey, debate adjourned.

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on National Security and Defence (Sub-committee on Veterans Affairs) entitled: *Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment*, deposited with the Clerk of the Senate on April 10, 2003.—(Honourable Senator Day).

Hon. Joseph A. Day: Honourable senators, I would like to speak to the most recent report of the Subcommittee on Veterans Affairs of the Standing Senate Committee on National Security and Defence. Honourable senators will recall that this report was filed with the Clerk during our Easter break.

[Translation]

I am honoured to speak today on the report of the Subcommittee on Veterans Affairs of the Standing Senate Committee on National Security and Defence, entitled "Fixing the Canadian Forces' Method of Dealing With Death or Dismemberment," the result of many hours of work by the members of the Subcommittee on Veterans Affairs.

I take this opportunity to thank my honourable colleagues on the Subcommittee on Veterans Affairs for their contributions. I would also like to recognize the contribution of the witnesses who appeared before the committee, especially Major Bruce Henwood.

Honourable senators, without the efforts of Major Henwood and his family, it is very likely that the internal studies revealed in the report would have remained undiscovered for many more years.

Internal studies by the Canadian Forces have concluded that, although discharged soldiers are entitled to disability benefits and programs, they are often ill-prepared to deal with the bureaucratic labyrinth they must get through before they can obtain the benefits they assumed they were accumulating during their years of service.

As a consequence, it may well happen that they do not receive their benefits because resources are not made available to them. Even without these resources, Major Henwood chose to declare war on the bureaucracy, and in so doing demonstrated the many qualities Canadians admire in the members of their armed forces: confidence, determination, courage, intelligence and, most importantly, being of service to his colleagues in the Canadian Forces.

• (1520)

Honourable senators, I will tell Major Henwood's story for those of you who are not familiar with it.

In 1995, while serving on the UN the peacekeeping mission to Croatia, Major Henwood lost both his legs at the knee when his vehicle ran over an anti-tank mine. A British officer transported him to safety and a lengthy convalescence followed.

Not long after, Major Henwood learned that the military income insurance to which he and his comrades had to contribute could pay him no compensation for his accident.

In the spring of 1997, Major Henwood filed a grievance against the Canadian Forces, which remains unsettled five years later. The Canadian Forces Grievance Board has recommended to the Chief of Defence Staff that the grievance be dismissed, claiming that the clause in his insurance policy relating to compensation for dismemberment was not intended for a lump sum settlement, but rather for income protection.

At the time, several years after the accident, the recommendation did not surprise Major Henwood, because he had learned, in the meantime, that policy coverage was based on income. However, he stated that the insurance policy is misleading and misunderstood by soldiers who have to enrol in the plan. He suggested that it be changed to provide a lump-sum indemnity to soldiers who are dismembered while serving their country.

Major Henwood also noted that the insurance plan for colonels and generals did provide a lump-sum indemnity for dismemberment.

When he appeared before the subcommittee, Major Henwood expressed his objections to this situation:

GOIP is wrong in its present format. It is a double standard. It violates the age-old principle of the military commanders looking after their men first and then themselves.

They have taken something more important and fundamental than just an insurance policy perk. They have shaken the trust of their subordinates and have degraded the leadership ethos. This is a question of ethical conduct that has a direct impact on the morale of the Canadian Forces and challenges the integrity of the generals.

The Subcommittee on Veterans Affairs agrees with Major Henwood. It recommended that the Department of National Defence ensure that all members of the Canadian Armed Forces, regardless of rank, be entitled to the same compensation in the event of death by accident or of dismemberment, in the form of a lump-sum indemnity based on the injury suffered.

[English]

In response to our study, to the efforts of people like Major Henwood, and to the media coverage of these issues, the Minister of National Defence, the Honourable John McCallum, recently announced improved accidental dismemberment coverage for Canadian Forces members from the date of the announcement forward. Honourable senators, that is an example of how we can make a difference when we do work here in this chamber and through our committees.

While this was a most important announcement, because it applies to all members of the Armed Forces hereafter, it is only the first step. It is an important step and one that is appreciated by all members of the Armed Forces, but something remains to be done. The injustice continues for a small group of men and women who were required to pay into the plan and who did so. As they paid, they thought that, like their colonels and generals, they had coverage, but they did not.

While appearing before the committee, Minister McCallum was questioned on the possibility of the announced benefits being retroactive in order to rectify the unacceptable past treatment of those members of the Canadian Armed Forces who had been previously injured, including Major Henwood. In response, the minister promised:

...to exhaust every avenue in an effort to do something positive on this front. I have instructed my department to begin this process, and I look forward to providing you with an update on our progress in the future.

Honourable senators, the mandatory insurance program was in place from 1982 forward. Therefore, the retroactivity would apply to only a few former members of Canadian Armed Forces. The estimate is that it would apply to approximately 10 to 15 Canadian soldiers who, while serving their country, who lost a leg, an arm or an eye. The Canadian public would want those individuals to be compensated for their loss in the same manner as

the colonels and generals would have been compensated. The compensation is designed to help the dismembered soldier adjust to his reduced ability to earn a living.

I commend the minister for his commitment to resolve this situation. I look forward to the minister's positive announcement in that regard.

Honourable senators, I strongly support the findings of the subcommittee on this matter. Moreover, I encourage you to let the Department of National Defence and the Minister of National Defence know that you support this report. Your continued support for the recommendations is critical in order to build on the work that we have already accomplished and to ensure that these veterans and their families receive proper care when they are permanently injured.

The members of the Canadian Armed Forces perform their tasks for the people of Canada with dignity and professionalism. They should be treated in a like manner when they are injured during the performance of those duties. Anything less would only serve to diminish the valuable role they play in providing the peaceful society that we as Canadians largely take for granted.

Honourable senators, I should like to move the adjournment of this debate in the name of Senator Meighen, the chair of the subcommittee.

On motion of Senator Day, for Senator Meighen, debate adjourned.

• (1530)

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(Honourable Senator LeBreton).

Hon. Joan Cook: Honourable senators, I wish to thank Senator LeBreton for the opportunity to continue the debate on this subject.

I would like to draw the attention of honourable senators to the 2003 First Ministers' Health Accord and the February 2003 budget of the Government of Canada, particularly as they fulfill some of the recommendations of Volume 6 of the Kirby report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled, "The Health of Canadians — the Federal Role," and the final report of the Romanow commission, entitled, "Building on Values: the Future of Health Care in Canada."

[Senator Day]

The 2003 First Ministers' Accord on Health Care Renewal made a commitment to all Canadians that they should have timely access to health services on the basis of need, not the ability to pay, regardless of where they live or move in Canada; high quality, effective, patient-centred and safe health care; and a sustainable and affordable health care system that will be there for Canadians and their children in the future. These are admirable objectives that were also supported by the report of the Senate's Social Affairs Committee and, more recently, by the report of the Romanow commission.

More specifically, the first ministers' accord set the following goals to help them work toward achieving these commitments. These goals stated that Canadians should have access to health care providers 24 hours a day, seven days a week; have timely access to diagnostic procedures and treatments; not have to repeat their health histories or undergo the same tests for every health care provider they see; have access to quality home care and community care services; have access to the drugs they need without undue financial hardship; to be able to access quality care no matter where they live in Canada; and see their health care system as efficient, responsive and adapting to Canadians' changing needs and those of their families now and in the future.

I intend to address each of those goals, although not in the order in which they appear in the first minister's accord.

First, I will focus on accountability. It has been undeniably clear that Canadians want to see where their tax dollars are being spent and that it is essential to improve the governance of Canada's health care system. The Social Affairs Committee of the Senate made recommendations for a national health care council, headed by a national health care commissioner. This would improve the governance of the health care system, keep the public informed on how the system is evolving and ensure accountability. It would be national in structure, independent of government, build on the strengths of existing organizations and be funded by the federal government.

Prime Minister Jean Chrétien said that the 2003 First Ministers' Accord on Health Care Renewal envisions change and makes the system more accountable to our citizens. He then added that we have made our health care system more accountable through the creation of a health council. This council will report regularly to Canadians on the quality of their health care system. I would like to commend the federal government for recognizing the importance of accountability and taking positive steps in the right direction.

Within the budget of 2003, we see the creation of a new Canada health transfer by April 1, 2004. This will enhance transparency and accountability and provide Canadians with a more accurate picture of federal contributions to health care and other key social sectors. Provinces and territories will retain their flexibility to decide where and how they will invest federal resources in each sector.

In order for Canadians to have access to sustainable quality health care and to additional services such as those listed in the goals above, such as service 24 hours a day, seven days a week,

home care and other needed services, it will be necessary to change the way primary care is provided in Canada to better utilize the services of our primary care physicians. "Primary health care" is the name given to the first contact that an individual or family has with the health care system. It aims to bring health care as close as possible to where people live and work.

Today, in Canada, primary care is generally provided by a family physician. However, nurses and nurse practitioners are capable of providing a number of services currently provided by family physicians. This means that Canada could make better use of its family physicians and these nurses by reorganizing primary health care so that it is provided by groups of health care professionals. These groups would include other professionals, such as nutritionists, mental health workers and social workers, in addition to nurses and physicians. These teams could also organize and encourage volunteers to identify and help with other community needs. Incorporating the use of volunteers from the community would certainly help the groups and, thus, the health care system to be responsive and adapt to the changing needs of Canadians, as outlined in goal 7 of the accord.

Certainly, for most Canadians, the first point of contact with the health system is a telephone call to the general practice physician's secretary. This person makes the appointment for the caller to meet with the physician and is therefore the gatekeeper for entry into the health system. Generally, everyone who calls will receive an appointment with a physician. Therefore, the gate to primary care physicians is wide open.

In a multidisciplinary primary care group, the gatekeeper would most likely be a nurse or other trained professional who, after talking with the caller to learn more about their problem, would make an appointment with the most appropriate health care professional. This might be a nurse for baby care, an immunization or a blood pressure checkup, a nutritionist for someone who is having difficulty controlling their weight, a social worker for someone stressed by financial problems, or a physician for a clinical diagnosis of an illness.

General practice physicians would then have time to take back some of the simple procedures that they have lost to hospitals over the years. Having a whole basket of services available in one place would certainly be much more user-friendly for Canadians.

This group approach to primary care would also allow more attention to be paid to teaching health promotion and disease prevention and adding or coordinating other necessary health services, such as home care and community care for mental health patients. Canada must move in the direction of providing more health promotion and disease prevention services. Our current sickness model of health care is out of balance.

In this proposed delivery of health care, a nurse becomes the gatekeeper for primary care; the family practice physician the gatekeeper for secondary health care services; and the specialist physician the gatekeeper for tertiary health care services. I believe the responsible use of the health care service is the responsibility of the gatekeeper and not the patient.

Goal 5 of the accord is that Canadians should have access to the drugs they need without undue financial hardship. The methods for doing this were set out in much more detail in the Kirby report than in the Romanow commission report, and the levels of support differ.

The Senate committee report recommended a catastrophic prescription drug plan under which the federal government would take over responsibility for 90 per cent of prescription drug costs whenever drug costs surpass \$5,000 per person per annum or 3 per cent of family income, whichever is the smaller.

Under the Senate plan, private health insurance plans would also be required to continue to protect their clients up to the \$5,000 level. The Romanow commission recommended that the government reimburse 50 per cent of drug costs over \$1,500 per person per annum.

In addition, both reports saw that if Canadians are to receive equal medication opportunities regardless of which province or territory they live in, then a national drug formulary and a national drug agency for adding to or removing drugs from the formulary are essential. A national formulary is essential to achieve the most bang for the buck with the resources available, and the selection of drugs included in the formulary will be based on the best information available.

• (1540)

In order to improve timely access to diagnostic procedures, such as MRIs, CT scans and medical specialists, the February budget provided \$5.5 billion to be spent in three areas: providing diagnostic and medical equipment; obtaining needed health information, including electronic health records; and, improving research hospitals. Unfortunately, much of the equipment will not be used unless additional health care professionals are trained to use them. In many specialty areas, health care professionals are working unhealthily long hours in an effort to provide the timeliest service possible in the circumstances. Currently, providing personnel to run equipment placed in rural facilities is difficult. It will become more so when additional vacancies are created as new equipment is placed in urban facilities.

Within the committee's report, we stated that Canada must improve and increase its investment in health research in order to bring research funding up to the level of other industrialized countries. We found that health research is necessary and will lead to the creation of products and technologies that will improve the health of Canadians. For example, clinical trials supported by the Canadian Institutes of Health Research will lead to effective guidelines and clinical practices. Population health research will lead to better health promotion and protection. Health services research will lead to a more efficient health care system, and the translation of research will lead to evidence-based clinical decision making.

A balanced approach is necessary in this area. Research and new diagnostic equipment is of no benefit if we do not support and train the staff. If we provide funds for new equipment, we must ensure that health professionals have the knowledge to use the equipment effectively and efficiently. It is also imperative that

health care professionals are kept up to date on new advancements in research and technologies.

The Standing Senate Committee on Social Affairs, Science and Technology recommended that Canada should increase its spending on health care research to the level of 1 per cent of total health care spending, which would require an additional \$440 million a year for five years. We also believe that the government should commit to a five-year budget plan for the Canadian Institutes of Health Research.

Within the budget, we see that \$500 million will support research hospitals through the Canada Foundation for Innovation.

The third goal is to develop a system where Canadians need not repeat their health histories or undergo the same tests for every health care provider that they see. To do this, it is proposed that a truly national electronic health records system be developed. The electronic health record will contain an individual's complete medical history, and use of the record will involve security systems to control who may have access to and be able to see the various parts of the record.

Having this health information available electronically would mean that someone travelling to a tertiary care facility would not be required to repeat tests when he or she arrives because test results would already be available to the tertiary professional. It would also allow physicians to have earlier access to the results of diagnostic test data. A truly national system would mean that Canadians can travel across the country and their health records would be available in the electronic record system whenever needed.

However, this will require the provinces and territories to work closely together in planning and implementing their electronic records system. Use of anonymous data from the electronic records would also allow researchers to carry out health surveillance tests and to determine, for example, the optimum treatment for various clinical conditions, which would increase the safety of our at-home system.

As you know, I am a Newfoundlander and, as such, I look at the recent budget allocations to health from the standpoint of Newfoundland and Labrador. The province covers an extremely large geographic area with half its population sparsely spread across huge distances. Consequently, it is difficult and expensive to provide good health care in the far-flung rural regions of the province, much more expensive than providing care in large urban centres. Therefore, I am perturbed by the large amount —

The Hon. the Speaker: Senator Cook, I am sorry to interrupt, but your 15 minutes have expired.

Senator Cook: Honourable senators, I have two pages left.

The Hon. the Speaker: Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Cook: Honourable senators, pages 160 and 161 of the Romanow report provide details of the proportions of the various provinces and territories that are urban or rural. It is worthy of note that the distances that Maritimers must travel to tertiary health facilities is far shorter and the expense of doing so is less than it is for Canadians who must travel to certain parts of Labrador and Newfoundland. Canadians living in Labrador and parts of Newfoundland often have to travel many miles to see a primary health care professional, and all must travel great distances to access specialist care and treatment. Residents of Labrador, in particular, must spend over \$2,000 to fly to St. John's, the only tertiary care facility in the province. They then must find and pay for suitable accommodation and meals. For some, the expense of the trip may explain their reluctance to travel to St. John's for treatment.

The time delays to travel these distances probably explain, in part, the lower life expectancy, the higher overall mortality rates and the higher cardiovascular disease related deaths experienced by rural Canadians.

I believe there is justification for a catastrophic travel and accommodation plan because, in general, rural Canadians have less disposable income. However, where the income level is small enough, the citizens of the Labrador portion of my province can receive government assistance, but the province does not have the funds to reimburse citizens who do not receive provincial social support.

I make these points to show why the funding formula for the Province of Newfoundland and Labrador, based largely on population, is inadequate. According to 2001 census data, residents of Newfoundland and Labrador make up 1.742 per cent of the Canadian population. Therefore, since most of the funds are to be divided among the provinces and the territories according to population, Newfoundland can expect to receive approximately \$32.9 million per year of the \$9.5 billion increase in transfers over the next five years, and \$42.9 million of the \$2.5 billion immediate transfer.

To put a scale on this transfer, this money will not cover the salary increases needed to bring our province's physicians' salaries up to the level of the Atlantic Provinces. Therefore, most of the \$32 million will be used also to pay for salary increases of physicians and other health professionals.

At the first ministers' meeting in Ottawa, Premier Grimes stated that increasing equalization at the same time as increasing the annual transfers is necessary to ensure that the smaller provinces can keep pace with health care reforms undertaken in the larger provinces.

• (1550)

The first ministers unanimously demanded that the federal government permanently remove the \$10 billion equalization ceiling, which the Prime Minister has agreed to do, in order to strengthen the program and ensure that all provinces have the ability to provide comparable levels of service at comparable levels of taxation. The removal of this cap will help my province to keep pace with health care reform. I also commend the federal government for taking such important steps.

The \$274.3 million of the \$16 billion for a health reform fund over the next five years that is targeted to primary care, home care and catastrophic drug coverage will certainly be a help to my province, and some money currently being spent by the provincial government may be able to be diverted elsewhere in the health system. The Newfoundland and Labrador government only pays for drugs for low-income individuals and families, regardless of age. All senior citizens are not automatically covered, as is true in other provinces, so my provincial government savings will not be necessarily as great as those, for instance, in Ontario. There may also be some savings for my province in providing home care, but I would rather hope that the money available for home care can be used to improve our current home care system. As for primary care, change will be difficult and time consuming.

Finally, over the next few years, the Newfoundland and Labrador government will receive approximately \$94.3 million of the \$5.5 billion invested by the federal government to promote the health of Canadians by increasing the purchase of diagnostic and medical equipment and health information technology and providing more money to hospitals for applied health care research. This will certainly be helpful.

One problem not clearly addressed in the recent budget is the need to recruit and train the full range of health professionals. Newfoundland and Labrador has difficulty recruiting and keeping these professionals, mainly because salaries are higher elsewhere. Each time salaries are increased across Canada, my province finds it increasingly difficult to follow suit, and we lose professionals to the higher paid positions elsewhere.

The Senate committee's work is ongoing, and the future areas of thematic study include mental health and Aboriginal health.

Psychological problems and mental illness will affect 20 per cent of Canadians in their lifetime. Approximately 3 million Canadians suffer from depression. Roughly 750,000 people have severe and chronic mental disorders. Mental illness costs the country \$15 billion a year, \$6.5 billion in direct medical expenses and \$8.5 billion in lost productivity. Mental illness affects people in all occupations, educational and income levels and cultures. There is no immunity.

On motion of Senator Cook, for Senator LeBreton, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the adoption of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendment to Rule 131—request for Government response*) presented in the Senate on February 4, 2003.

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Milne, that subsection (3) of the Committee's recommendations to amend Rule 131 of the *Rules of the Senate* be further amended by replacing the words "communicate the request to the Government Leader who" with the following:

"immediately communicate the request, and send a copy of the report, to the Government Leader and to each Minister of the Crown expressly identified in the report or in the motion as a Minister responsible for responding to the report, and the Government Leader".—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, I rise to join this particular debate on the seventh report of the Standing Committee on Rules, Procedure and the Rights of Parliament because of what I would call my continuing and abiding concern that the rules of this place are being burdened with all manner of unnecessary. In addition to that, the rules are being burdened by attempts to make them decisions rather than having them form the regulatory framework around which decisions are made.

It seems that every week we are introducing new rules. When I first came here, there were about 80 rules. The rules have now multiplied and are bountiful. They have grown to such an extent that no senator really knows them any more. Most senators find themselves totally dependent on staff to find out what the rules are. This is an unhealthy and unparliamentary situation. It is something that we should begin to interrupt and arrest. All honourable senators know what I think of Parliament and how important I think it is.

My interests in this subject matter were triggered when, in her remarks on February 6, some weeks ago, Senator Milne made a comment. Remember that the question is the business of ministers ignoring Senate reports and reports of Parliament. However, the real question is how does Parliament speak to ministers. Senator Milne was responding to an intervention by the Leader of the Opposition, Senator Lynch-Staunton who was attempting to strengthen the report. She said:

The honourable senator's request seems to be a proper one. I wish we had incorporated that into the report in the first place. However, I think the report as it stands will probably do. Normally, the communication between this chamber and the other is through the Leader of the Government in the Senate. This is the normal procedure, the normal channel of communication, except of course in the papers.

Honourable senators, the normal way of communication between the two chambers is by message. The normal way of communication between either of the two chambers and the Crown or minister or the cabinet is an address. This is what prompted my interest.

If we look to Erskine May, at page 606 of the 22nd edition, we see a definition of an address as follows:

An Address to Her Majesty is the form ordinarily employed by both Houses of Parliament for making their desires and opinions known to the Crown...

Opinions and desires are made known to the Crown by manner of an address.

As we are endeavouring to be in the business of rulemaking, it seems our rulemaking is attempting to go around what I would consider to be the normal method of chambers communicating with each other, which is, as I said, not as Senator Milne described, but by message and by address.

The reasons for all of this are outlined in the report. For example, in paragraph 8, the report says:

The proposed procedure would allow the Senate, following its approval of a report submitted by committee, to refer that report to the Government with a request for a complete and detailed government response within 150 calendar days.

This is also supported by a statement in paragraph 3:

On May 17, 2001, the Senate had referred to your Committee a motion by Senator Gauthier, as amended by Senator Lynch Staunton, that would have amended the *Rules of the Senate* to enable the Senate, after approving a report submitted by standing committee, to refer that report to the Government with a request for a comprehensive response by the Minister within 90 days.

Honourable senators, there is no procedure whatsoever for referring anything to ministers except by address. The possibility exists that the drafting of this report is a little careless and that when the word "refer" is being used it is not being used in a parliamentary sense at all. The possibility exists that what is meant is that someone should send a minister a copy of a report, or something of that nature. "Refer," in a parliamentary sense, has a definite meaning because it means quite often matters such as orders of reference. Invariably, a referral is accompanied by orders of reference and asks for a decision or an opinion from the properly authorized body or individual. That is why in this chamber, when we refer a bill or we refer something to a committee to study, we are asking the committee for its opinion on the bill — that is, to study the bill.

• (1600)

Honourable senators, what we are dealing with here is not really the need to make orders of reference or make referrals to ministers or to the Crown because we are ignoring the process of addresses to ministers, the Crown. Here we are speaking about the fact that members are saying that the Senate is ignored, that the opinions and judgments of senators and the members of the House of Commons are largely ignored. This is borne out in paragraphs 4 and 5 of this report. Paragraph 4 says an interesting thing, which is:

In the course of their deliberations, members of your Committee agreed that the work of the Senate was potentially undermined by the lack of any formal means of seeking a response from the Government to policy studies, and also agreed that this problem feeds a widespread perception in the media that such studies simply gather dust after they are tabled in the Senate Chamber.

Honourable senators, I would say that this is not a perception in the media; this is a fact. The majority of Senate opinions are widely ignored by cabinet, so it is not a perception at all.

Paragraph 5 continues in the same vein and states:

Senate studies frequently contribute to the broad processes of debate and public policy formation by virtue of the strength of their findings and recommendations. However, the absence of tangible evidence of Government attention implies indifference to Parliament, and to the citizens it represents, that is unacceptable in a democratic system of government.

That particular statement is more to the point and quite accurate. What we are really dealing with here is not so much the need of the Senate for a process; what we are really dealing with here is the need of the Senate to assert itself and to address the real issue, which is the lack of accountability of ministers of the Crown to Parliament and to the judgment of both Houses, the Senate and the House of Commons.

Therefore, the issue is not a lack of communication. Neither is the issue a lack of information. As a matter of fact, I would submit to honourable senators that we are in an era of massive information, where ministers have staff who do nothing else but listen and attend to what is being said in the chambers in case they are mentioned. We are in an era of, to my mind, massive information. I do not know about most senators, but there is so much information crossing my desk every day that I have to work hard to keep on top of it.

The question being posed in this proposal is that of ministerial responsibility to Parliament. How is Parliament to hold ministers accountable? In other words, how can parliamentarians and senators cause ministers to see life their way or in accordance with the research and work that they have done?

Honourable senators, the proposals as drafted do not achieve what they purport to do, which is that they do not allow for a reference to a minister.

The report also says that other methods were canvassed, including the method that is used in the House of Commons. I would like to put on the record standing order 109 of the House of Commons, which covers the same subject matter. Standing order 109 regarding "Government response to committee reports" states clearly:

Within 150 days of the presentation of a report from a standing or special committee, the government shall, upon the request of the committee, table a comprehensive response thereto.

The proposals coming forth from the Senate are certainly inadequate when compared to what they are attempting to mime or to imitate from the House of Commons. The proposals purport to govern senators, whereas the House of Commons standing order is quite strong. It states that the minister shall respond and within a given period of time. If that is the effect we are trying to achieve in this chamber, we should go after it in a more direct way. Standing order 109 is quite firm and states clearly that the minister "shall" respond.

Honourable senators, Senator Lynch-Staunton's concerns were extremely valid and extremely viable. I think his proposed amendment improves the problem and the proposed solution somewhat, but it really does not go to the heart of the matter.

I believe that the proposed rule should be drafted in what I would describe as a more senatorial way, in a manner that is more consistent with the senators and the upper chamber. If one reads the proposed rule, one definitely gets the impression that the Senate is being cast in the position of an inferior chamber or supplicant before the government.

Honourable senators, the solution may be to send this report back to the committee and to examine the premises on which the proposals were written. If what Senator Milne says is what she has believed, that the government leader here is the normal procedure for communicating with the House of Commons and with the government, then that is a mistaken assumption. Perhaps we should go back to the drawing board and look at the matter within the parliamentary ways of communication, which are, as I said before, messages and addresses.

MOTION

Hon. Anne C. Cools: Honourable senators, I move:

That the motion for the adoption of the Seventh Report of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament and its motion in amendment be not now adopted, but be referred back to the Standing Committee for further study and report.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Hon. Marcel Prud'homme: Honourable senators, when Senator Lynch-Staunton and Senator Cools can have this kind of debate, I think it is very worthwhile for us to study the issue a little more.

With your permission, honourable senators, I would like to adjourn debate to the next sitting so that I can read what Senator Cools has said, consult with Senator Lynch-Staunton and participate in the debate.

• (1610)

Therefore, I put myself in the hands of the Senate. I think the very able clerk is telling His Honour exactly what my intention is.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

STUDY OF NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Losier-Cool, for the adoption of the Second Report (Interim) of the Standing Senate Committee on National Security and Defence, entitled "For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up", deposited with the Clerk of the Senate on November 12, 2002.—(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am pleased to speak today on the important issues raised by the second interim report of the Standing Senate Committee on National Security and Defence, entitled "For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up."

Although I am not an expert on national security or national defence, I would still like to offer you a few thoughts I have had while reading this report.

You know, of course, that, over the last decade, the Government of Canada has taken on the mission of reducing and eliminating the annual deficit and beginning repayment of the debt. That is exactly what it has done. Moreover, it has done this through prudent and balanced management of the country's finances.

It is expected that the final figures for fiscal 2002-03 will show a budget surplus for the sixth consecutive year. During this period of budgetary surpluses, the government has reduced the debt by more than \$47 billion.

Difficult decisions had to be made to ensure that social programs that are so important to Canadians were maintained. Each and every one of us was urged to pull his or her own weight. A great many very real sacrifices were made to get to zero deficit.

The urgency in controlling public spending required implementing major and severe budget cuts in all areas of government, including departmental and agency programs and operations.

My intention is not to provide you with a long list of these cuts that were required to balance the federal budget. Instead, I wanted to give the context.

[Senator Prud'homme]

Honourable senators, you may understand that when I read the title of the report in question, entitled "For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up", I had all kinds of ideas to better use this \$130 per capita.

In other words, with \$130 per capita, which represents the princely sum of \$4 billion, I can imagine being able to improve a number of existing programs. This was the amount of the increase that the authors of the report proposed for the National Defence budget.

As you know, when preparing the budget, the government must consider its priorities and the priorities of Canadians as well as urgent needs.

As soon as the government posted a budget surplus, it was careful to come back to its priorities, while still recognizing the other pressing needs of government operations. This is exactly what the government did in preparing its last budget.

Honourable senators, I move that debated be continued at the next sitting of the Senate. I will conclude my comments at that time.

[English]

Hon. Jeremiah S. Grafstein: Would the honourable senator allow one question?

[Translation]

Senator Robichaud: Honourable senators, I have no objection. If I am allowed to conclude my remarks later, I will answer questions. I have no problem with that.

[English]

Senator Grafstein: I would like to ask the honourable senator a question to which he can perhaps refer in his concluding remarks.

When I was in Washington last week, to my amazement I was told by U.S. officials that while our navy is interoperable with our allies, our air force is not. Perhaps the honourable senator could bring to our attention whether this is the understanding of the government and, if so, what it would cost to remedy this situation.

[Translation]

Senator Robichaud: Honourable senators, this is a very important question that certainly merits more information. I believe that, if the military had to adjust some of their missions — we are talking about the air forces here — at some point a more logical choice could have been made, and one I would have understood better than purchasing used non-submersible submarines. We saw Armed Forces personnel with oakum, caulking leaks to stop the water from coming in. This is a very important matter.

Senator Prud'homme: We were had.

On motion of Senator Robichaud, debate adjourned.

FOREIGN POLICY ON MIDDLE EAST

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry by hon. Senator Prud'homme P.C., calling the attention of the Senate to Canadian foreign policy in the Middle East.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: Honourable senators, I will be speaking in connection with this inquiry in the very near future.

Order stands.

• (1620)

STUDY ON THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT

MOTION TO AUTHORIZE BANKING, TRADE AND COMMERCE COMMITTEE TO EXTEND DATE OF FINAL REPORT—DEBATE ADJOURNED

On the Order:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study on the administration and operation of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, which was authorized by the Senate on October 29, 2002, be extended to Thursday, December 18, 2003.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Kolber asked me to move the motion standing in his name, to extend the date on which the committee must make its final report.

I therefore move adoption of the motion.

Hon. Marcel Prud'homme: Are we on Item No. 100?

The Hon. the Speaker pro tempore: We are on Item No. 112.

Senator Prud'homme: Honourable senators, I am a member of the Standing Senate Committee on Banking, Trade and Commerce, and I would have liked Senator Kolber to be here to answer questions in the House. That is why I am moving adjournment of the debate on this motion.

The Hon. the Speaker pro tempore: Honourable senators, it has been moved by Senator Robichaud, seconded by Senator Rompkey, that the motion be agreed to.

Senator Prud'homme: Honourable senators, I will repeat what I said. I dearly love intermediaries and the messengers of the Sacred Heart, who have responsibilities. Back home in Quebec, we call them the messengers of the Sacred Heart.

When you have a responsibility, you assume it. When I am given something to do, I do it or I say I cannot do it or I disappear. I would have liked Senator Kolber to be here to answer questions. He is not here right now, and he will be here next week.

If the debate were adjourned until next week, I would be sympathetic, but I prefer to speak in the Senate rather than in committee, where, as the saying goes, committee business is the responsibility of the committee.

We cannot come running to the Senate every time there is a problem in committee, because the rules are very clear. Committee problems must be solved within committees. That is why I want to get certain things settled here in the Senate chamber. I do not see the urgency of going through an intermediary, however elegant he may be. Perhaps we could adjourn the debate.

Senator Robichaud: Honourable senators, while I am not one of those messengers of the Sacred Heart, I did make a commitment to the committee chair that I would move the motion, but I have no objection if Senator Prud'homme moves adjournment of the debate on this motion so that he can ask questions later.

[English]

Senator Prud'homme: When I make a promise, I stick to it. I promised not to do it as a delaying tactic. At the first opportunity to speak with the chairman, I will do so.

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, the Honourable Senator Prud'homme, seconded by the Honourable Senator Bolduc, moves that the debate be continued at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Robichaud: Honourable senators, I would like to clarify the situation, because there appears to be some questions about it. I moved the motion and, when the Speaker put the question, Senator Prud'homme rose to adjourn the debate until the next sitting. Under the circumstances, I believe we have followed procedure, and that debate on this motion is adjourned until the next sitting of the Senate.

[English]

Hon. Eymard G. Corbin: Honourable senators, there is a matter of courtesy, decency and convenience here. The author of the motion should be here to defend his motion. He is not here so let us adjourn the debate. That is the reason. If you do not defend your interests, forget them.

[Translation]

On motion of Senator Prud'homme, debate adjourned until the next sitting of the Senate.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, at 2 p.m.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 13, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, May 8, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | 03/04/29 | 0 | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|---|-----------------|-----------------|---|----------|-------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | 03/04/03 | Energy, the Environment and Natural Resources | 03/05/01 | 0 | 03/05/06 | | |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | 03/04/01 | 03/04/03 | 5/03 |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | 03/04/02 | Aboriginal Peoples | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|--|-----------------|----------|-------|
| C-9 | An Act to amend the Canadian Environmental Assessment Act | 03/05/06 | | | | | | | |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | divided Message from Commons concurring with the division 03/05/07 | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | — | — | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | | |
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | — | — | Legal and Constitutional Affairs | | | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | 03/04/03 | Rules, Procedures and the Rights of Parliament | | | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | — | — | — | 02/12/11 | 02/12/12 | 27/02 |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|----------|-------|-----------------|----------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | 03/04/02 | 0 | 03/04/03 | 03/04/03 | 6/03 |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrestall) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | 03/04/02 | | |
| S-9 | An Act to honour Louis Riel and the Metis People (Sen. Chalifoux) | 02/10/23 | 03/05/06 | Legal and Constitutional Affairs | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | 03/05/07 | Official Languages | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |
| S-15 | An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools) | 03/02/13 | | | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
| S-16 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver) | 03/03/18 | | | | | | | |
| S-17 | An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc) | 03/03/25 | | | | | | | |
| S-18 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 03/04/02 | | | | | | | |

PRIVATE BILLS

[illegible]

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37th PARLIAMENT

•

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OFFICIAL REPORT
(HANSARD)

Tuesday, May 13, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, May 13, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

May 8, 2003

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 8th day of May 2003, at 4:07 p.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, May 8, 2003:

An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon (Bill C-2, Chapter 7, 2003)

An Act to amend the Criminal Code (firearms) and the Firearms Act (Bill C-10A, Chapter 8, 2003)

SENATORS' STATEMENTS

NEW BRUNSWICK

INCREASE IN AUTOMOBILE PREMIUMS

Hon. Pierrette Ringuette: Honourable senators, I wish to draw a very important matter to the attention of the Senate. For over two years now, the automobile insurance companies have been shamelessly hiking up the insurance premiums for residents of the Atlantic provinces, New Brunswick in particular. I will summarize the situation if I may.

The insurance companies managed to manipulate the Conservative government of Ontario into legislating everything their little kingdom desired. Bolstered by that success, and seeing that the Conservatives had cousins in three of the four Atlantic provinces, the companies decided to target consumers in that region next.

In New Brunswick, in 2002 alone, insurance rates increased by 62.4 per cent, not counting discriminatory practices with regard to age and gender nor the fact that New Brunswick's accident rate had dropped by 48 per cent. After several years of inaction, the Lord government struck an all-party legislative committee to examine the issue. The committee wrote an excellent report that was shelved because the insurance companies did not like it. At least, the Progressive Conservatives in Nova Scotia imposed a moratorium on increases in automobile premiums while they examined the matter. While Mr. Lord and Mr. Green were strutting around Toronto with the representatives of the insurance companies, New Brunswick consumers were paying increasingly high premiums. This is not surprising, because the Progressive Conservative government in New Brunswick needed money to pay for the elimination of the toll booths. The higher the premiums, the fuller the government's coffers got. In 2002, the Progressive Conservative government of New Brunswick received \$99.3 million in various taxes from the insurance companies, thereby endorsing the vicious cycle of increased premiums for consumers. After years of inaction and visits to Toronto, the Progressive Conservative government introduced automobile insurance legislation that lacked vision and maturity.

However, the legislation honours the wishes of the companies and hurts consumers. This legislation, in my opinion, also violates article 2(d) of the Charter of Rights and Freedoms, freedom of association, because it prohibits insurance companies from reducing premiums for various associations. Why car insurance and not dental insurance or drug insurance, which associations also have? Will New Brunswick consumers soon have to pay dearly for these kinds of insurance?

Senator Comeau: An election in New Brunswick!

[English]

STANDING COMMITTEE ON HUMAN RIGHTS

ISSUES OF DISCRIMINATION BASED ON SAME-SEX MARRIAGE

Hon. Donald H. Oliver: Honourable senators, the Canadian public is looking more and more to the Senate of Canada for leadership and direction.

A series of recent editorials in Canadian newspapers and journals has pointed to the emergence of the Senate as more than a body of sober second thought but a body that is leading the debate on new and important public policy initiatives for Canadians. For instance, the *Halifax Chronicle-Herald* said:

The Senate has remained decidedly more non-partisan and more focused in its efforts. The result has been that the upper chamber's deliberations have been more substantive — and of higher quality — than what usually emanates from the House of Commons.

I have read some of the current debate in the other chamber about the traditional definition of marriage and human rights. The views of the deputies reflect the diverse views of members of the Canadian public, but there is in fact no leadership, particularly in areas of prohibited grounds of discrimination, including sex, sexual orientation and marital status.

Honourable senators, these are important human rights issues. I am no stranger to the issue of human rights. For instance, in 1998, at the invitation of Senator Kinsella, I was the Abdul Lodhi lecturer at the Atlantic Human Rights Centre at St. Thomas University, where I spoke about the universality of human rights. There are some rights that we have intrinsically, by virtue of our humanity. These rights do not have to be purchased, earned or inherited. They are an inherent part of our being.

• (1410)

Honourable senators know that section 2 of the Canadian Charter of Rights and Freedoms outlines some of our human rights, but the more specific definition is contained in section 3(1) of the Canadian Human Rights Act, which states:

For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

The issue in Canada, today, on which Canadians are looking for the Senate to provide some comment and direction is the following: Does the issue of human rights extend to the issue of same-sex marriage?

I checked over the weekend, and between the years 1995 and 2000, I stood in this chamber and asked the Leader of the Government in the Senate on more than 13 occasions when a Senate Human Rights Committee would be established to deal with important and pressing public policy issues. Senators Fairbairn and Graham will be painfully aware of my constant requests that they take immediate action to establish such a committee so that we would have a forum for debating and analyzing these important public policy issues.

With that background, therefore, I feel the time is right for the Senate Human Rights Committee to hold public hearings, to deal with issues of discrimination based upon sexual orientation and sexual unions, particularly in relation to same-sex marriage.

The public policy issue arises from the fact that, under the Constitution Act of 1867, marriage falls under federal jurisdiction while the solemnization of marriage is a provincial responsibility.

Some Canadian provinces have permitted marriages between same-sex couples, although these unions are not sanctioned under federal legislation.

Honourable senators, the bigger issue for us to determine is whether our courts or Parliament should be making the law on this matter. Canadians are now divided and are searching for leadership and direction.

Honourable senators, the time is right for us as, a chamber, through our Human Rights Committee, to stand up, take a lead and offer some direction on this important public policy issue.

[Translation]

NATIONAL DEFENCE

MONTFORT HOSPITAL— MILITARY HEALTH CARE CENTRE

Hon. Jean-Robert Gauthier: Honourable senators, it is a done deal! A new departure! A new collaboration has begun between the military and Montfort Hospital. The Department of National Defence will invest millions of dollars, probably \$200 million, in order to set up a new military health care centre at Montfort Hospital, the only French-language teaching hospital in Ontario.

Defence Minister John McCallum made the announcement yesterday to a gathering of dignitaries.

This new hospital site will provide services in both of Canada's official languages. A new wing with six floors, two of which will provide health care to the members of the Canadian Forces and their families, is expected to open in 2005.

This new partnership will make it possible to offer better health care, and at the same time, will create a critical mass of professional skills. The Canadian Forces' bilingual medical officers will be integrated into the medical staff of Montfort Hospital, as will the military's nursing professionals and other health care professionals, who will be able to interact with their counterparts. The medical officers and professionals will also be able to participate in the hospital's teaching mission and take an active part in research.

We all know that Montfort Hospital is one of the most efficient hospitals in Ontario, and it will continue to offer high-quality services which it is known for.

Montfort Hospital was built in 1953 by the Daughters of Wisdom, and has served the region's francophone community for 50 years. This is a new departure, because the hospital was threatened with closure in 1997 by the Ontario provincial government. We went to court and we won. We won in the lower court and we won in the appeal court. Today, Montfort Hospital is officially Ontario's French-language teaching hospital.

I commend everyone who supported us and fought by our side over these many years, so that we could finally achieve victory.

[English]

MULTIPLE SCLEROSIS AWARENESS MONTH

Hon. Yves Morin: Honourable senators, multiple sclerosis attacks people in the prime of their lives, usually between the ages of 20 and 40. It can put them in wheelchairs, confine them to bed, cause mental dysfunction and affect their ability to see.

Most people with multiple sclerosis anticipate a steady progression from a healthy, productive life to disability. In the words of Winnipeg writer Ingeborg Boyens:

I totter and stumble through life...I walk on invisible stilts; the mere flapping of a butterfly's wings a mile away will inexplicably upset my precarious balance. My hands are muffled in oven mitts; my handwriting has deteriorated to an awkward scrawl that even I can no longer read. My mouth is filled with marbles; the words I try to enunciate come out rattled and slurred.

This quotation is from the book *Dropped Threads*.

[Translation]

The incidence of multiple sclerosis in Canada is among the highest in the world. More than 50,000 Canadians suffer from the disease.

Unfortunately, there is no treatment for it, but research has made significant progress. I am happy to say that Canadian researchers are among the most productive on this front.

[English]

Dr. Voon Wee Yong of the University of Calgary is receiving funding from both the Multiple Sclerosis Society of Canada and the Canadian Institutes of Health Research, for projects that will lead to greater understanding of the role of certain proteins, called matrix metalloproteinases, in the destruction of myelin. His work could lead to new therapies for the disease. Dr. Jack Antel of McGill University is leading an international team to find out if the body's own stem cells can be turned into cells to regrow new myelin.

Honourable senators, these are a few of the research projects being funded by the Multiple Sclerosis Society of Canada and CIHR. These efforts and those of many other fine Canadian researchers could, one day, lead to a cure for multiple sclerosis. Until then, however, Multiple Sclerosis Awareness Month reminds us that the only source of hope for multiple sclerosis patients is research.

NEWFOUNDLAND AND LABRADOR

INITIATIVE TO AMEND TERMS OF UNION

Hon. Lowell Murray: Honourable senators, the House of Assembly of the Province of Newfoundland and Labrador is considering a resolution calling for amendments to the 1949 Terms of Union. The Prime Minister of Canada and his intergovernmental affairs minister have stated flatly that such

an initiative is a non-starter and that constitutional discussions will not take place.

Permit me to draw to the attention of honourable senators the advisory opinion of the Supreme Court of Canada in *Reference re Secession of Quebec* and, in particular, to the following paragraphs, beginning with paragraph 69:

The *Constitution Act, 1982* gives expression to this principle, by conferring a right to initiate constitutional change on each participant in Confederation. In our view, the existence of this right imposes a corresponding duty on the participants in Confederation to engage in constitutional discussions in order to acknowledge and address democratic expressions of a desire for change in other provinces. This duty is inherent in the democratic principle which is a fundamental predicate of our system of governance.

Paragraph 88 states:

The amendment of the Constitution begins with a political process undertaken pursuant to the Constitution itself. In Canada, the initiative for constitutional amendment is the responsibility of democratically elected representatives of the participants in Confederation...The corollary of a legitimate attempt by one participant in Confederation to seek an amendment to the Constitution is an obligation on all parties to come to the negotiating table.

Significantly, paragraph 153 states:

The task of the Court has been to clarify the legal framework within which political decisions are to be taken "under the Constitution", not to usurp the prerogatives of the political forces that operate within that framework. The obligations we have identified are binding obligations under the Constitution of Canada.

In light of the binding obligations spelled out by the Supreme Court of Canada, it is proper to ask by what moral, political, legal or constitutional right Messrs. Chrétien and Dion purport to stonewall the initiative being taken by the Province of Newfoundland and Labrador. Messrs. Chrétien and Dion warmly embraced those parts of the Supreme Court opinion that they believed justified the so-called Clarity Act. They must live with all the Supreme Court opinion, not just those parts they find convenient. In the event of a constitutional initiative by Newfoundland and Labrador, the federal government will have to come to the table.

[Translation]

NATIONAL NURSING WEEK, 2003

Hon. Lucie Pépin: Honourable senators, this year's National Nursing Week is in full swing until May 18. As a former nurse, I would like to take advantage of this week of celebrations to renew my support for nursing staff in this country. Thanks to the countless roles they fill in health care delivery, nurses never cease to demonstrate that they are key players in the health care system.

• (1420)

[English]

This phenomenal contribution made by nurses is the result of the passion and determination of nurses like Louise Lévesque, who dedicated her career to the advancement of the nursing profession. As a professor of nursing sciences, together with her work as a researcher specializing in care for the elderly, she has guided several generations of students. She was one of the first people to identify family health care aides as a group at risk for health problems.

Louise Lévesque contributed enormously to the creation of the first chair in Canada dedicated to nursing care, seniors and the family. She is now at the Institut universitaire de gériatrie of the University of Montreal.

A model of perseverance, last month, Louise Lévesque was awarded the Montreal YWCA's Women of Distinction Award in the area of Health.

Ms. Lévesque's passion is a hallmark of the nursing profession. On a daily basis, nurses provide high quality care, in spite of huge obstacles. In recent years, they have repeatedly condemned the deterioration of their profession. Like many others, the Kirby and Romanow reports have highlighted the grievances of nurses and clearly demonstrated that the nursing shortage will prove insurmountable, unless the governments act quickly.

We must recognize that their demands are starting to be heard. The governments seem to be not only realizing that a crisis is imminent but also becoming aware of the real contribution of the nursing staff and the impact of hospital and health care restructuring on the quality of their work. This awareness is reflected in the measures taken by the various levels of government. We can only applaud these efforts made to alleviate the burden of nurses.

However, we must remain vigilant because nurses continue to feel the effects of the lack of staff. The recent demonstration by the emergency room nursing staff at Hôpital Maisonneuve-Rosemont is an indication of how urgent the situation is. The nurses of that establishment demonstrated on Mothers' Day to draw attention to the fact that they, too, are mothers and that the 16-hour days nurses are often required to work, not only at Maisonneuve-Rosemont but in every hospital in Quebec, have a big impact on their families.

I recognize that there is a commitment to address the problem. Still, it must be understood that the situation remains urgent. Nurses are kind-hearted individuals who have their profession at heart, and they would be only too happy for us to help them do the work they love so much.

ROUTINE PROCEEDINGS

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—PRESENTATION OF PETITION

Hon. Consiglio Di Nino: Honourable senators, I have the honour to present a petition from the Boy Scouts of Canada, a body incorporated by chapter 130 of the Statutes of Canada, 1914; praying for the passage of an act to amend its act of incorporation, in order to consolidate the statutes governing it, to change its name to "Scouts Canada" and to make such other technical and incidental changes to the act as may be appropriate.

QUESTION PERIOD

JUSTICE

LEGALIZATION OF MARIJUANA—EFFECT ON UNITED STATES—CONFIDENTIALITY OF LEGISLATION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, according to the *Ottawa Citizen* of this morning, the Minister of Justice is in Washington today to meet the United States Attorney General to discuss proposed Canadian legislation touching on the decriminalization of marijuana. The pertinent part of the article reads:

The watered-down bill will include stiffer penalties for drug traffickers and people caught with marijuana grow operations.

To underline the point, Justice Minister Martin Cauchon will present his plan to U.S. Attorney General John Ashcroft today.

Mr. Cauchon is expected to stress that marijuana will remain illegal and Canada will toughen penalties substantially for marijuana-growing operations. He already described the plan briefly to Mr. Ashcroft last week at a Paris meeting of justice ministers of the Group of Eight leading industrialized nations, but today's meeting will give a fuller explanation.

There is a convention in this country, if not a law, that specifies that all government legislation is to be considered confidential until introduced in either the Senate or the House of Commons. Does the Leader of the Government in the Senate not agree that her colleague is breaking a long-standing convention, if not the law, by informing a foreign government of the contents of a proposed bill, and no doubt asking for its support, before the bill has been introduced in Parliament?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question, but, no, I do not believe that the Honourable Minister of Justice has broken with precedent. I think it is safe to say that the discussions that are taking place with Mr. Ashcroft are around the principles of the bill. The specifics of the bill will become evident to all of us in due time, when the bill is tabled in the other place.

Senator Lynch-Staunton: Honourable senators, I would remind the Leader of the Government in the Senate that, not so long ago, the then Minister of Justice was severely reprimanded by the Speaker of the House of Commons for having given a press briefing on the contents of a bill before that bill was introduced in the House of Commons. This is a very similar situation, except that the briefing is being given to a representative of a foreign government.

If it violates House of Commons rules to brief, even in a sketchy way, the contents of proposed legislation before it is made public, surely the Minister of Justice should also be severely reprimanded.

Senator Carstairs: Honourable senators, with the greatest of respect to the honourable senator, it is a matter of discussing the principles behind proposed legislation that will be tabled, not the specific legislation itself. That will be tabled in due course, in the House of Commons.

HEALTH

LEGALIZATION OF MARIJUANA—
PRINCIPLES OF DRUG STRATEGY

Hon. Pierre Claude Nolin: Honourable senators, yesterday the Minister of Health confirmed she will talk about a new drug strategy. Is it the intent of the minister to talk about that on Thursday, the same day on which the bill will be introduced in the House of Commons?

Hon. Sharon Carstairs (Leader of the Government): My understanding, honourable senators, is that when the bill is introduced, the principles of a drug strategy will be debated as well.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
COMMENTS ON CHANGES TO
PROCUREMENT STRATEGY

Hon. J. Michael Forrestall: Honourable senators, I have two questions for the Leader of the Government. I know Colonel Brian Akitt, the former commander of CFB Shearwater, to be a man of honour and high integrity. Unlike the Minister of National Defence, who is an economist by profession, Colonel Akitt is a professional aviator. He wrote a paper in which he warned that because of political intervention by an ad hoc committee of cabinet in 1999, the so-called Gray committee, the specifications for the new helicopters were diluted to the point where there is a "significant risk to a safe and credible operation."

Can the Leader of the Government in the Senate tell this chamber why an officer and professional aviator of spotless reputation would make such a statement if it were not true?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I obviously cannot speak for Colonel Akitt, other than to say that his paper was an opinion piece on the circumstances surrounding the MHP process. The Chief of the Defence Staff has indicated quite clearly that he is confident that there is more than one helicopter that can fulfil the needs of the Canadian Forces, that the competition is robust and that we can find the right helicopter at the best price for the Canadian taxpayer.

Senator Forrestall: Honourable senators, no one wants the best price. It is lowest price compliant.

• (1430)

Today the press reported that a former Deputy Minister of the Department of Public Works, Raymond Hession, a much-respected public servant, labelled the government's procurement strategy based on lowest price compliant, "plain stupid." Can the minister tell us why a senior retired public servant would warn the government that a procurement strategy is stupid?

Senator Carstairs: Honourable senators, every Canadian is entitled to their opinion, and so is Mr. Hession. The government's goal has always been, and remains, to get the right aircraft for the Canadian Forces as soon as possible, at the lowest possible price.

REPLACEMENT OF SEA KING HELICOPTERS—
PROCUREMENT PROCESS

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. I have been asked to go on a military week. The response indicated that they would be putting me with the Sea Kings, but unfortunately, I could not go — not that I will not go. However, the minister has confused me. The minister says that the government is trying to accelerate this process. It has been 10 years since the Liberals took over from the Tories but a suitable choice for a replacement helicopter has yet to be found.

The leader continues to give her responses to Senator Forrestall, who has done an excellent job of following the file. What has to happen? Do we have to literally kill someone? As I said before, the blood of any death as a result of this situation will be on the hands of the Liberals and the cabinet for failing to make a decision.

Honourable senators, when will we get a decision? Do we have to wait for Mr. Chrétien's nephew to hold hands with the French and make a side deal of some kind? Something is going on.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have been very forthright with all senators with respect to this particular policy. Perhaps, if we had not taken office in 1993 with a \$42-billion deficit, we would have been able to make decisions prior to this point. However, there were a variety of things that, quite frankly, we were unable to do because of the legacy of the honourable senator's government.

The result is that the process is ongoing. The process is being addressed, and hopefully, we will choose an aircraft in 2004.

FISHERIES AND OCEANS

CLOSURE OF COD FISHERIES

Hon. Ethel Cochrane: Honourable senators, a little more than a week ago I posed a question on the status of the 4X cod fishery, which I mentioned at the time included Minister Thibault's political riding. The Leader of the Government in the Senate began her response by saying, "I hope that the honourable senator is not suggesting that we should not use the best science available." With respect to the 4X cod, the minister added: "—fishing for cod appears to be average. Therefore, the resource is viable and, therefore, fishers are allowed to continue in their occupation."

However, honourable senators, the Fisheries and Oceans Committee heard testimony last week to the contrary. Dr. George Rose, Senior Chair, Fisheries Conservation at Memorial University and a member of the FRCC told us: "—the science on the 4X cod is weak at present. The 6,000-ton quota that has been set for 4X cod is certainly questionable." He later said: "It is certainly pushing things to have that quota set that high." He also added: "In that area, they are pushing the limits of biological productivity with the cod, in my view."

Therefore, I would like to ask the Leader of the Government, why did the minister keep the 4X cod stock open to fishing when concrete science was not there to support such a move? What science is Minister Thibault using to justify keeping the cod fishery open in his riding?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator asked a similar question last week, and I said to her, as she has indicated, that we had to rely on the best opinions of scientists. The scientists with the Department of Fisheries and Oceans have indicated that the policy announced by the minister was the best one to take to preserve the cod.

The honourable senator also indicated that she did not think that we had to close the cod fishery at all. Where are we on this argument? Are we to close down all the cod fishing, or are we to close some where it is shown that it is necessary, but leave open the fishery where it appears to be still viable?

Senator LeBreton: In the Liberal ridings.

Senator Cochrane: Honourable senators, if the cod is in danger in Newfoundland and Labrador, it is also in danger in the 4X area of Minister Thibault's riding. Fish swim. Your former Prime Minister, bless his heart, has also announced that fish swim.

The Chair of the Fishery Resource Conservation Council, Mr. Fred Woodman, told the Fisheries Committee on Tuesday that the stock status report this year was not complete. He said that explicitly. He told us with regard to the report:

It did not give us an estimated biomass level. They could not do it because of misreporting and dumping and so on. They did not give us a true picture of the resource. We made

our recommendation based upon the fact that we had two good-year classes coming in — 1999 and 2000.

That is the two years upon which they based their judgment.

Can the honourable minister tell me if it is common practice for the Department of Fisheries and Oceans to rely on scientific information that is three or four years old when making decisions about the health of the stocks and the levels at which they can be sustainably fished?

Senator Carstairs: Honourable senators, the Minister of Fisheries and Oceans must make the decision on the best science advice available to him. Perhaps, the honourable senator should listen to the former Minister of Fisheries, Mr. John Crosbie, a Newfoundlander and member of her party. He said that he did not think that Mr. Thibault had any real choice.

Naturally, the fishermen do not like that, especially in areas with no alternative to cod, but perhaps, the scientists have to recommend it as they see it.

CITIZENSHIP AND IMMIGRATION

BIOMETRIC NATIONAL IDENTITY CARD—
PROPOSAL BY G8 NATIONS

Hon. Donald H. Oliver: Honourable senators, a week ago last Monday, all G8 countries agreed to develop travel documents capable of carrying biometric information such as fingerprints and retinal scans. This is a direct response to recent American legislation.

By October 2004 the United States will require nationals of other countries to have this type of documentation in order to enter its territory. In recent months, the Minister of Citizenship and Immigration, Denis Coderre, has advocated a national discussion, not a formal proposal, as to whether Canada needs a new biometric-capable national identity card. In light of our new G8 agreement the minister's idea of a discussion seems highly disingenuous.

Why is the minister continuing the pretence of discussing the possibility of implementing biometric capable identity cards in Canada if the government has already agreed to take this route?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government has not agreed to take this route. My understanding of the file is that the United States and Canada are still actively considering and discussing as to what exactly will be the entry and exit procedures that Canadians must follow as they cross into the U.S. Also, there seems to be great speculation as to when such a system could be put in place even in the United States, let alone in the other G8 countries.

• (1440)

Senator Oliver: Honourable senators, what is the meaning of the G8 agreement of two weeks ago? The U.K. is said to be the only G8 country that is publicly expressing reservations over adopting the use of these biometric-capable travel documents. Britain's Home Secretary, David Blunkett, has said that such a

process should not be rushed and that these new surveillance techniques may hinder freedom of movement as well as trade and commercial arrangements. Has the Canadian government had any discussions with the U.K. government about their concerns?

Senator Carstairs: Honourable senators, I do not know whether these discussions have taken place. I know that Mr. Coderre has expressed his concerns in respect of this information and its form. However, I shall contact the minister's office to find out if he or others have had contact with the United Kingdom to indicate our similar, shared concerns.

HEALTH

SEVERE ACUTE RESPIRATORY SYSTEM— INFRARED SCREENING OF TRAVELLERS

Hon. Brenda M. Robertson: Honourable senators, I have a supplementary to the question that I asked last week concerning the screening of air travellers for symptoms of SARS. There has been confusion surrounding the thermal camera used to screen passengers at Toronto Pearson International Airport. A spokesperson for Health Canada said last week that the camera had been used only for a photo opportunity last Wednesday night and had then been put back in storage. Health Canada has since refuted this statement. However, there were reports that the scanner was not in use at all last Thursday.

Could the Leader of the Government tell the chamber what happened with the infrared camera last week and bring us up-to-date on the current situation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should have followed up on that file, on the basis of the honourable senator's question last week. I, too, read that news item, but did not follow up on it. I shall do so when I return to my office this afternoon.

CREATION OF NATIONAL CHIEF OFFICER FOR PUBLIC HEALTH POSITION

Hon. Brenda M. Robertson: Honourable senators, the President of the Canadian Medical Association, Dr. Dana Hanson, in an editorial in *The Ottawa Citizen* today, wrote that the SARS outbreak has proven that Canada's health care system is ill-prepared to deal with rapidly spreading infectious diseases, along with more day-to-day problems, and that we need a comprehensive plan to ensure that we are able to meet similar challenges in the future. According to Dr. Hanson, one of the first steps in strengthening and providing leadership in our public health infrastructure should be the appointment of a national chief officer for public health — someone who could coordinate all of our public health officials.

Could the Leader of the Government in the Senate tell us whether the federal government is considering creating such a position?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the federal government is working closely with provincial and municipal health care workers in an ongoing process to address this issue. It is for that reason that the Dean of Medicine at the University of Toronto was put in charge of a group that will examine exactly what occurred during the SARS epidemic and will identify what needs to be done in the future. The honourable senator is quite right in the preliminary to her question, that we were not adequately prepared for that kind of outbreak and that we must now ensure that we are prepared for future outbreaks of this nature.

I have some good news. It is my understanding today that there are only 19 people remaining in hospital across the country and that we expect more people to be released within the next few days.

INDUSTRY

BUSINESS DEVELOPMENT BANK CORPORATION— AUBERGE GRAND-MÈRE FILE

Hon. Marjory LeBreton: Honourable senators, the RCMP investigation into the leaked BDC loan allocation of the Auberge Grand-Mère has revealed missing documents in the file and erased computer files. The leaked loan application contains a footnote showing that the Auberge Grand-Mère company owes \$23,000 to the Prime Minister's personal holding company. Clearly, this would have put the Prime Minister in a direct conflict of interest when he phoned the president of the BDC on behalf of the Auberge. These computer documents and pages are missing from the BDC files. Could the Leader of the Government in the Senate tell us if there has been an internal investigation at the BDC to determine who would have erased computer documents and removed material from the Auberge Grand-Mère file? At the same time, could the Leader of the Government in the Senate give us a categorical assurance that Mr. Jean Carle was not in a position to access these files when he was in a senior position at the BDC?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator asks an impossible question because, as she well knows, the BDC is an arm's-length body from the Government of Canada. Therefore, the BDC does not take orders from the Government of Canada about the investigations it should undertake within its corporate structure. What is clear is that, in 1993, Prime Minister Chrétien sold his shares in the golf course, before he assumed the office of Prime Minister.

Senator LeBreton: Honourable senators, it is interesting that Mr. Chrétien's own accountant talked about the Prime Minister receiving \$40,000, and that information is also missing from the documents.

In the affidavit filed by RCMP Corporal Gallant about the forged Auberge Grand-Mère loan application, Corporal Gallant does not include the statement by BDC official France Bergeron that "without the intervention of the federal MP, the project would have never been accepted." Corporal Gallant stated that it was "not up to me to comment on what might be normal or not normal with respect to the work of a member of Parliament."

If Corporal Gallant did not feel that he had the authority to comment on the Prime Minister's activities, could the Leader of the Government in the Senate tell us who would have made the decision to suppress this information in the affidavit?

Senator Carstairs: Honourable senators, just as the government does not interfere in the day-to-day operations of the BDC, it certainly should not interfere in the operations of the RCMP.

SOLICITOR GENERAL

GUN REGISTRY PROGRAM— ECONOMIC IMPACT STUDY

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate and concerns the gun registry. Last month, the government moved the gun control program from the Department of Justice to the Department of the Solicitor General of Canada, along with, I presume, the \$70 million that was allocated. The government has not yet advised how much more money must be allocated to cover the additional and ongoing expenses incurred for the fiasco.

Has an economic impact study been established as to how much this will cost Canadian taxpayers before it is over? If not, could the honourable leader tell this chamber why one is not being done?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am not sure that an economic impact study is what the honourable senator wants. Perhaps he has some interpretation of an economic impact study that I do not have.

With respect to the gun registry, the government was clear in the Estimates process about what it wanted, as well as in the budgetary process. As such, the monies were voted appropriately in both Houses of Parliament, to provide those sums of money to the appropriate authority.

GUN REGISTRY PROGRAM—PROPOSAL TO MAKE FIREARMS CENTRE INTO DEPARTMENT

Hon. Gerry St. Germain: Honourable senators, this has certainly had an impact on Canadians. Although the word "impact" may not be correct, there should be an economic review of the entire process.

My next question for the Leader of the Government in the Senate concerns the status of the registry. After the move to the Solicitor General's department, the government then ordered that the registry program be made into a department. It is listed here as the "Order Designating the Canadian Firearms Centre as a Department and the Chief Executive Officer as the Deputy Head." What would the impact of this be on the program? How would it benefit the program? Would it clarify the situation as to the future of the program? How much would Canadians have to pay for this boondoggle?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator correctly talks about an economic review, and that is exactly what Mr. Hession did. The

review was presented to all parliamentarians on the costs to date and the projected costs. The reorganization of the registry is for the purpose of efficiency. Obviously, the Government of Canada would like to get the best value possible from the ongoing monies it is spending on this file.

FIREARMS REGISTRY— POSSIBLE RELOCATION FROM MIRAMICHI

Hon. Gerald J. Comeau: Honourable senators, I should like to continue with the matter of the gun registry. Last week, the *Moncton Times & Transcript* reported that Solicitor General Wayne Easter said that the jobs at Miramichi firearms centre might be relocated. My question is for the Leader of the Government in the Senate. Is the government considering moving the firearms registry from the Miramichi centre? If so, has it done a cost analysis in terms of what this would add to the multi-billion-dollar boondoggle?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me make sure that Hansard is correct as to who your colleague was. It certainly was not me who made that reference, but it was the Honourable Senator St. Germain. It was announced last December or January that the government would be examining the issue of whether the registry should stay in its current location. To the best of my knowledge, senator, no decision has been made, and your suggestion of doing the appropriate analysis is one I will take to the government.

• (1450)

GUN REGISTRY PROGRAM—REQUESTS FOR FUNDS THROUGH SUPPLEMENTARY ESTIMATES

Hon. Gerald J. Comeau: Honourable senators, last week the President of the Treasury Board refused to rule out any further Supplementary Estimates for the gun registry in the coming year. So far, the government has requested Supplementary Estimates no less than 11 times since the start of the gun registry.

Would the Leader of the Government in the Senate, who sits in cabinet, not agree that it is time that the President of the Treasury Board be given instructions to no longer request Supplementary Estimates for the gun registry and that any future costs be placed under the Main Estimates of the budget?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, ideally that is exactly the way everything should be done, including Senate budgets. We should always put everything in the Main Estimates and rarely, if ever, use Supplementary Estimates. However, the practical reality for many government programs, including the operations of this place, is that sometimes it is required to apply for and obtain the approval of both Houses for the supplementary process.

Senator Comeau: Honourable senators, a \$2-million program that turned out to be a \$1-billion program should send a message to cabinet that it is about time that the budgeting processes not have to resort to Supplementary Estimates. It may finally dawn on the people in cabinet that there is something wrong with this program.

FIREARMS CENTRE—FIRING OF STAFF MEMBERS

Hon. Gerald J. Comeau: Honourable senators, last week Gary Webster, former head of the Canadian Firearms Centre, could not explain the Prime Minister's comments last December that a number of people had been fired from the firearms centre as a result of the cost increase from \$2 million to \$1 billion. Could the Leader of the Government in the Senate advise as to who those people were, and if no such people were fired, would they belong to another group that includes the homeless individual who keeps giving policy advice to the Prime Minister?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I clearly do not have names, ranks or serial numbers of any of those individuals, but I will seek an answer for the honourable senator.

JUSTICE

NEWFOUNDLAND AND LABRADOR TERMS OF UNION—CONFLICT WITH CONSTITUTION ACT, 1982

Hon. Lowell Murray: Honourable senators, I have a question that the Leader of the Government in the Senate may wish to take as notice and obtain a considered reply from the legal advisers of the government.

In the view of the government, which of the various amending formulas in the 1982 Constitution Act apply to amendments to the 1949 Terms of Union of Newfoundland with Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my friend is quite right. I will not venture an answer on that question this afternoon. I will take it as notice and return with an answer for the honourable senator.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling three delayed answers: the response to an oral question raised by the Honourable Senator Comeau, on March 26, 2003, concerning the firearms control program, border control procedures and the departments involved in their implementation; a second response to an oral question raised by the Honourable Senator Comeau, on March 27, 2003, concerning firearms registry, access of foreign law enforcement agencies; and a response to an oral question raised by the Honourable Senator Keon, on April 3, 2003, concerning the severe acute respiratory syndrome, the languages of notices and the availability of translators.

JUSTICE

FIREARMS CONTROL PROGRAM—
BORDER CONTROL PROCEDURES—
DEPARTMENTS INVOLVED IN IMPLEMENTATION

(Response to question raised by Hon. Gerald J. Comeau on March 26, 2003).

A number of border controls are currently in place and a number of others are awaiting the passing of Bill C-10A. Existing measures include the requirement for all returning residents to demonstrate they are the holder of a valid firearms licence and the firearm(s) they are importing are properly registered. Non-residents must also meet registration and licensing requirements in the same fashion as residents, however, they have the option of obtaining a "Confirmed Declaration" which is a temporary form of licensing and registration. These measures ensure that all firearms entering Canada are properly accounted for and the individuals are eligible to possess those firearms. Commercial shipments of firearms are controlled through the issuance of Import and Export Authorizations and are subjected to Customs verification at the point of entry.

These control measures are carried out by the Department of Foreign Affairs and International Trade and the Canada Customs and Revenue Agency. The Canadian Firearms Centre provides the administration support for these controls.

Within the cost spent to end of 2001-02, i.e. \$688M, CFC reimbursed Canada Customs & Revenue Agency a total of approximately \$13.6M related to costs for services provided at border crossings and system connectivity. CFC's forecast expenditure as at March 31, 2003 for 2002-03, was approximately \$100M which included approximately \$1.7M of costs reimbursed to CCRA for a total of $(13.6M + 1.7M) = \$15.3M$ for border control procedures and system connectivity.

FIREARMS REGISTRY—
ACCESS OF FOREIGN LAW ENFORCEMENT AGENCIES

(Response to question raised by Hon. Gerald J. Comeau on March 27, 2003).

The Canadian firearms registry system transfers to the Canadian firearms registry online only the information that is linked to the firearms licence and to the registration of firearms.

Foreign law enforcement agencies do not have direct access to the database.

The Royal Canadian Mounted Police is responsible for the dissemination and exchange of information with Canadian agencies and foreign law enforcement agencies.

HEALTH

SEVERE ACUTE RESPIRATORY
SYNDROME—LANGUAGES OF NOTICES—
AVAILABILITY OF TRANSLATORS

(Response to question raised by Hon. Wilbert J. Keon on April 3, 2003).

1) The material being provided to travelers is available in various languages based on the demographics of the travelers at various locations as follows:

1. Incoming Health Alert Notices (yellow cards)
English, French, Korean, Chinese (simplified).
2. Outgoing Health Alert Notices (cherry cards)
English, French, Chinese (simplified), Chinese (traditional).
3. In-flight Traveler Contact Information Sheet — instructions are available in the following languages:
English, French, Chinese (simplified), Chinese (traditional), Hindi, Japanese, Korean, Punjabi, Spanish, Thai, Urdu and Vietnamese.

Ontario's web site is offering SARS information in several languages: e.g. French, Chinese, Italian, Portuguese, Tamil, Vietnamese.

2) It would be extremely difficult to provide travellers, who do not speak either English or French, coming into and leaving Canada, with translation services. However, measures are in place to assist new immigrants and refugees who do not speak English or French entering Canada. Government-sponsored refugees are met at the airport and Citizenship and Immigration Canada (CIC) personnel provide direction and orientation to them. Other refugees who identify upon landing in Canada are also assisted by CIC personnel and provided the necessary services. Training on identifying the symptoms of SARS has been provided to Citizenship and Immigration personnel who interview immigrants coming into the country and are alert in identifying travellers who may be showing symptoms of SARS. Health Canada advisories have been distributed by Citizenship and Immigration to all their service providers to ensure that they are in a position to provide the information to immigrants and refugees who cannot communicate in English or in French.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT—
PROPERTY RIGHTS FOR ABORIGINAL WOMEN

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 107 on the Order Paper—by Senator Stratton.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT—
FIRST NATIONS LANDS MANAGEMENT ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 108 on the Order Paper—by Senator Stratton.

HUMAN RESOURCES DEVELOPMENT—
AMENDMENTS TO CANADA LABOUR CODE

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 109 on the Order Paper—by Senator Stratton.

FINANCE—INSURANCE ACT

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 118 on the Order Paper—by Senator Stratton.

FINANCE—NATIONAL COOPERATIVE BANK

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 119 on the Order Paper—by Senator Stratton.

FINANCE—TAXATION OF NON-RESIDENT TRUSTS
AND FOREIGN INVESTMENT ENTITIES

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 120 on the Order Paper—by Senator Stratton.

CUSTOMS AND REVENUE AGENCY—
AMENDMENTS TO GOODS AND SERVICES TAX

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 121 on the Order Paper—by Senator Stratton.

[English]

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I think that Senator Comeau, last week, touched on the greatest weakness of this bill, which is that it violates a pledge made to Canadians that information given through the census was to remain confidential and secret in perpetuity. To quote from the long form, on the last page after the person has answered all the questions, there it is, in large letters: "The law protects what you tell us. Your personal census information cannot be given to anyone outside Statistics Canada, not the police, not another government department, not another person. This is your right."

The argument against that is that the information that would be allowed through this bill would not be given out, except in specified cases, for another 92 years from the date of the census, and without restriction, for another 112 years. The argument is this: Will a person really care whether information given in confidence, which can be argued for the most part of a routine nature, is made public 112 years later? I say yes. I will try to convince senators, before voting to support this bill, that my arguments deserve at least a little reflection.

There is a clause in this bill which allows that from 2006 on — at the time of the next census — information given in that census and in those that follow can be made public if the person signing the questionnaire gives consent. I think that is very good except for one flaw — the same census questionnaire applies to more than one person, sometimes to dozens of people. The questionnaire is quite clear regarding who to include in the questionnaire, such as people who are away or absent — like students or spouses working abroad — whose legal address is where the questions are being asked on one particular day. How is one to get the approval of, say, 20 people in one household, 14 of whom are away? How can one get them all to agree or disagree that personal information can be released or not released if they are not there the day that the questions are being asked? I asked if there were regulations covering this aspect and, so far, I am not aware that it has been covered.

I want to mention some of the questions asked in the long form because every new long form becomes more and more intrusive. At one time, the census was strictly a nose count — name, address, age, sex, number of children, marital status, et cetera — basic public information. Now we are going a lot further.

There is, for instance, the relationship between two persons, including whether a common-law partnership refers to two people of the opposite sex or of the same sex who live together as a couple. Some people may not want that information known — whether now or 112 years from now — whatever their common-law status.

There are other questions, such as those concerning household activities. This may sound amusing, but I wonder what the value of this information is to the census people. They want to know how many hours a person spent doing the following activities: unpaid housework; looking after one or more of this person's own children without pay; providing unpaid care assistance to one or more seniors.

• (1500)

What is the point of all this information and how will it be interpreted once it is made public, whether 112 years from now or whenever?

On page 12 of the long form this question is asked: Could this person have started a job last week had one been available? What kind of a question is that? What is the value of that question? Could this person, that is, the person replying, have started a job last week had one been available? That is close to a question like: Do you still beat your wife? What is the value of that? I find that intrusive and none of the government's business, ever.

Page 16 is devoted entirely to income. Most Canadians declare their income on tax returns, which are considered confidential. The same information regarding employment, self-employment income, income from government, other income, dividends and

interest is asked for on the census form in similar detail. Whereas, as far as I know, our tax returns remain confidential forever, the same, or nearly the same, information on the census form will be made available in due course. Why this morbid curiosity? Why not be satisfied with what a census is all about? Some will say, "Historians need to know." Only snoop historians need to know. I do not think that some of this information should ever be made public, unless the individual giving it agrees.

On page 17, this question is asked: Who pays the rent or mortgage, taxes, electricity for this dwelling? Whose business is that? Why would the government want to know whether I pay the rent or my wife pays the rent or my father-in-law pays the mortgage? What does it matter? Perhaps there are families making their children's mortgage payments and they do not want anyone to know this is taking place. "All right," the answer is, "they will not know for another 112 years." That may be so at present, but what I am afraid may well happen is that this is only the thin edge of the wedge.

I refer to the experience that we have had since the social insurance number was introduced. It was put in place in 1964. There was a great deal of debate in the House at the time. Mr. Diefenbaker himself was very concerned that this number would be applicable eventually to all sorts of activities, both government and non-government, which were not even considered at the time the SIN was being proposed. It was to be restricted to UI, which is now EI, and the Canada and Quebec Pension Plans. That is all. The House was assured that it is all it would be used for.

Only a few years later, in 1967, the Income Tax Act was amended so that your social insurance number had to be put on your tax return. Eventually, that was applied to all sorts of other government activities and functions, at both the federal and provincial levels, and then eventually at the municipal level. The law was also changed so that anytime a tax slip for a dividend cheque or interest payment is received, your social insurance number must appear on it. That was never the intention at the beginning.

It certainly was not the intention, although it is not disallowed, unfortunately, for the private sector to ask for that number. No matter where you go now, whatever application form you get, you are asked for your social insurance number. Very few will say that giving it is optional. You do not have to give it.

Senator Comeau: But they do not have to lend money to you either.

Senator Lynch-Staunton: That is right.

I raise that point because, in 1964, Parliament was assured that the social insurance number would be used for limited and specific purposes. Now we see it is a free-for-all. We may as well make it public. We may as well advertise it. I suggest the same will happen with this bill. Eventually, if it is passed in this form, someone will

have the bright idea of saying, "Look, we cannot afford to wait another 90 years for this information. Let us change the law and bring it back to 50 years, 25 years or 10 years." Eventually, they will say, "Let us make it all public," unless the person does not want to allow the information to be released. Even then, is that any guarantee that the information will not be made public?

I am also concerned that the long form questions are becoming more intrusive, more personal and, I believe, more irrelevant. I know there is an argument that governments and others can trace demographic and social factors from census results, thus allowing various policies to be tailored for the long term. That is what it says in theory. Whether in fact that is true, I somehow doubt it.

Passing this bill will violate a pledge made that census information never be made public. Second, there is no question that passing the bill will lead to a discussion of accelerating the release of the information. Perhaps this will even be suggested in the form of an amendment. Third, more and more intrusive questions of a personal nature are being asked on the long form, and they should never be made public. For all these reasons, in particular the first one, I urge honourable senators not to support this bill.

Hon. Yves Morin: Honourable senators, I should like to ask a question of the Honourable Senator Lynch-Staunton.

My question concerns two issues. One issue concerns the disclosure of information, and I follow Senator Lynch-Staunton in that regard. I strongly believe that information in the census should not be disclosed at whatever time. One of the strengths of our census is that it is confidential and will remain confidential. If there are any indications that it will not remain confidential, then people will stop giving confidential information.

Where I do not follow the honourable senator is in the matter of the census being more extensive in its questions. We know, for example, that issues like the social determinants of health are becoming extremely important. Statistics Canada has taken a leading role in the world relating to issues such as economic development, the social network, housing, education and so forth with the health status of a given population. As a matter of fact, these non-medical social determinants of health are more important than health care delivery, hospitals, physicians and so forth.

I realize that people are asked if they are working or not, but this is an important issue as far as public health is concerned.

Does the honourable senator agree that non-disclosure of the census is important, but the fact that more and more questions are being asked bears some relation to health and to the economic development of our country? I might say that Statistics Canada is one of the leading organizations among OECD countries.

Senator Lynch-Staunton: If the information were to be kept as a collective bit of information rather than an individual bit of information, then I might agree with Senator Morin. However, we will now see that what is collected for millions of people as a whole, broken down by age and region but still very impersonal, will become personal information, rather than a conclusion based on information that remains impersonal and confidential.

Hon. Lowell Murray: Honourable senators, has Senator Lynch-Staunton had an opportunity to read the new legal

opinion, if I may call it that, of the Department of Justice on this matter and to appreciate the fact that absent this bill, with the restrictions it imposes on access, Statistics Canada will be seriously exposed to a situation in which litigation would probably succeed in opening personal information in the census in an unrestricted way?

• (1510)

Senator Lynch-Staunton: I have not seen that legal opinion or the one that preceded it, apparently, which stated the contrary; however, having had experience with Department of Justice opinions, I am somewhat cynical of them. I am thinking particularly of the Pearson bill and others that came to us with the full support of the Department of Justice.

So, no, I have not seen the opinion; however, even if it says what it says, is that risk worth taking?

Hon. Gerald J. Comeau: On the question of legal advice from the Department of Justice, if the Department of Justice is suggesting that it might not survive a court challenge, does this not suggest that we should enforce the confidentiality or bring an amendment to the current legislation that would enforce the confidentiality rather than giving in and saying, "Since the Department of Justice is saying that this will not survive a court challenge, let's give in and throw the books open"?

Senator Lynch-Staunton: I could not agree more with the honourable senator. We see that the government is not hesitant in the budget implementation bill to put in retroactive legislation. If that principle applies there, it can apply in this case also.

On motion of Senator Comeau, debate adjourned.

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

BILL TO AMEND—SECOND READING

Hon. Colin Kenny moved the second reading of Bill C-9, to amend the Canadian Environmental Assessment Act.

He said: Honourable senators, I rise to speak today about Bill C-9, to amend the Canadian Environmental Assessment Act.

Some honourable senators may not be familiar with the Canadian Environmental Assessment Act or the practice of environmental assessment. Quite simply, environmental assessment is a planning tool to identify, assess and mitigate potential negative environmental impacts on proposed projects.

I suspect that all honourable senators will agree that preventing environmental harm through sound project design is much better than trying to clean up or repair damage after it has occurred.

The Canadian Environmental Assessment Act, or CEAA, as it is commonly referred to, has been in place since 1995. This act requires an environmental assessment of proposed projects, such as the construction of a new dam, where the Government of Canada is the project proponent or has a decision to make about whether to provide funding, land or a regulatory permit that allows the project to proceed.

The breadth and scope of the act is far-reaching.

The Hon. the Speaker: Senator Kenny, I am sorry to interrupt.

Honourable senators, it is becoming quite noisy in the chamber. I would ask honourable senators who wish to have conversations to defer them or to carry them on outside the chamber.

Senator Kenny: Thank you, Your Honour.

Each year, the Government of Canada assesses about 6,500 projects with the potential to negatively affect our air, health, water, wildlife and natural spaces. It is important to remember that the act also touches upon billions of dollars of potential investment.

Honourable senators will know that making or amending environmental laws is time-consuming and often a difficult process. The stakes are high for the health of our environment and for the health of our economy. Views are usually polarized. The government often finds itself in the position of being pushed and pulled by environmental groups, industry, Aboriginal peoples and provincial governments.

What is remarkable about Bill C-9 is its support from a wide range of interests. When this bill was first introduced in the House of Commons, the Canadian Environmental Network, an umbrella organization of environmental groups, issued a news release that congratulated the government for bringing forward to Parliament many issues where consensus was found among diverse interests. At the same time, the Mining Association of Canada commended the government for its bold and important steps.

Honourable senators, the message for us is quite clear. An open and comprehensive five-year review of CEAA has resulted in a bill that will promote progress and shared environmental priorities. The story behind Bill C-9 goes back to June 1998, when the Canadian Environmental Assessment Agency, the body that administers CEAA, began to prepare the five-year review of the act. Their first step was simply to ask the following question: What are the problems with the current act?

The response came from inside and outside the government. Concerns were raised about poor federal coordination and uncertainty in the process. Inconsistent quality of assessment and limitations to public participation were identified.

These preliminary consultations provided the foundation for a discussion paper released by the Minister of the Environment in December 1999. For its part, the discussion paper was a frank admission to the problems with the current act. The identification of the problems in the discussion paper was an essential step for ensuring that the review of the act was focused on finding practical solutions.

The five-year review saw cross-Canada consultations that included public sessions, regional workshops, meetings with the provinces, discussions with Aboriginal peoples and a special Internet Web site.

The Minister of the Environment's regulatory advisory committee was asked to examine the issues and options identified in the discussion paper and come forward with recommendations.

After hearing from Canadians from all regions and walks of life, the Minister of the Environment developed his report to Parliament and a bill of the proposed changes.

"Strengthening Environmental Assessment for Canadians" was tabled in March 2001. At the same time, Bill C-19, predecessor to Bill C-9, was introduced in the House of Commons. The House of Commons Standing Committee on Environment and Sustainable Development took a year to review Bill C-9. The committee heard what Canadians had to say about the minister's proposals. The committee considered over 200 possible amendments. In the end, the House of Commons passed a number of amendments that I believe improve the bill.

Honourable senators, Bill C-9 will make the federal environmental assessment process more predictable, certain and timely. It will improve the quality of assessments and strengthen the opportunities for public participation. It deals head-on with problems originally identified in the 1999 discussion paper.

The highlights of Bill C-9 include measures to improve federal coordination and application of the act. Projects that undergo a comprehensive study level of assessment will no longer face the double jeopardy of potentially having to undergo a second in-depth assessment by a review panel.

There is new authority for ministers to issue prohibition orders to stop project construction before the environmental assessment is complete. Bill C-9 recognizes Aboriginal traditional knowledge and requires that the Canadian Environmental Assessment Agency consult Aboriginal peoples on policy issues related to CEAA. The bill proposes to create a new class of screening tool to deal with small significant projects in an environmentally sound manner.

As a result of Bill C-9, follow-up programs will be mandatory for projects after a comprehensive study, mediation or review panel. The bill proposes to make the transboundary sections of the act more operable and specifically recognizes the importance of promoting the ecological integrity of Canada's national parks.

Bill C-9 requires the establishment of an Internet site of project information so that Canadians can have timely access to information about projects occurring in their communities.

Finally, this proposed legislation will extend environmental assessment obligations to over 40 Crown corporations.

The government has committed \$51 million over the next five years to support the implementation of these improvements and others in the bill.

Honourable senators, careful consideration of this legislation will put us a step closer to a revitalized environmental assessment process that will work on behalf of all Canadians.

• (1520)

Hon. Mira Spivak: Honourable senators, I thank Senator Kenny for his glowing words and his intelligent review of the bill. It will not surprise him or anyone else that I view it in a slightly different light.

I want to look at the history that began many years before the government proclaimed the legislation in 1995. I want to briefly relate it, because it gives us a benchmark for what this bill does and does not do. It is, by and large, a history of progressive weakening of Canada's commitment to environmental assessment — a progressive weakening of the good use of this planning tool that can help us avoid costly mistakes and prevent irrevocable harm to our environment.

In the 1970s, Canada was on the forefront of what was then a novel concept of environmental assessment. Before Mr. Justice Thomas Berger conducted his royal commission into the social, environmental and economic impacts of the proposed Mackenzie Valley pipeline, few countries thought it necessary to examine the cost to the environment before approving a major project. In his 1977 report to the government, Judge Berger wrote of the North as "a heritage, a unique environment that we are called upon to preserve for all Canadians." He wrote of the strong feelings held by the people in the North about the pipeline and large-scale frontier development. In the end, the government of the day accepted his recommendation that no pipeline be built for ten years to allow time for settling of land claims.

Some seven years passed before this bill's antecedent came into being. It came in the final days of the government of Prime Minister Pierre Elliott Trudeau, and it came in the form of an Order in Council that set out the environmental assessment and review process guidelines, or EARP, pursuant to the Department of the Environment Act.

I have it on excellent authority that there were two reasons that the Trudeau government put EARP in place. On the high road, it knew that it was remiss in not having a legislated process for environmental assessments. By then, other countries had moved ahead. On the not-so-high road, it wanted to make mischief for its successor, which it correctly assumed would soon be a Progressive Conservative government.

Make mischief it did, although not for several years. The guidelines order was not discretionary. It required the federal government to conduct an environmental assessment of any project supported by federal funds on federal land or requiring a decision by a federal minister, such as the issuance of a permit under the Fisheries Act.

For much of the 1980s, however, few people believed that this Order in Council compelled the government to conduct the assessments. It was viewed as voluntary. It was, after all, not legislation. Then, in the late 1980s, the Saskatchewan government proposed to dam up the Souris River, a river that, after the spring runoff has passed, resembles a prairie drainage ditch. The river

flows into North Dakota, where it had periodically caused spring flooding, and then winds its way north again into my province of Manitoba. "Souris," of course, is French for mouse. With respect to environmental assessment, it was the mouse that roared.

Opponents of the Rafferty-Alameda dam project — environmentalists, farmers and others — challenged the review process that essentially, and illogically, divided the river in three. They wanted a full federal review that would examine the environmental impacts that, like the water, crossed international borders. Federal courts heard these challenges and, to the considerable surprise of the government, affirmed that EARP was enforceable. Unfortunately for those who challenged the Saskatchewan dams, the decision came too late. Construction was already underway.

Faced with a clear need for legislation, the Mulroney government developed and passed the Canadian Environment Assessment Act in 1992. It set out the regime that we have today, both its strengths and its weaknesses.

On the plus side, it logically drew distinctions between the thousands of federal projects each year that need only be screened for assessments, the scores that require detailed reviews, known as comprehensive studies, and the few that have a potential for creating significant adverse environmental effects, or rouse such public concern that the appointment of an independent review panel is more appropriate. It also gave better assurances of public participation in those panel reviews and provided for intervenor funding.

On the downside, it greatly enhanced ministerial discretion to submit projects to one form of review or another, and it left some crucial matters undefined, matters as key as what constitutes a significant adverse environmental effect or when public concern is sufficient to trigger an independent panel review. I recall debating that legislation, trying to create something workable. With the wisdom of hindsight and the knowledge of how this law has been applied, or rather, not applied, it is apparent that we created a regime that was weaker — less protective of the environment — than the EARP regime that the courts had said must be applied.

Nevertheless, when Environment Minister Copps moved second reading of the act that this bill amends, she described it as

— one of the most outstanding environmental acts in the world. With the Canadian Environmental Assessment Act and its important amendments, Canada will be a world leader in environmental thinking and practice.

Experience has proved otherwise. Under the regime that the act created, we have failed to appoint independent panels to review the world's largest above-ground storage of nuclear waste, to harness Ontario's highest waterfall for hydroelectric power, to grant one forestry company 25 per cent of the land mass of my province of Manitoba, or to consider the cumulative impact of logging on a large adjacent tract in Saskatchewan.

We have also failed — and this is something our Energy and Environment Committee noted in its report two years ago — to require that our nuclear power plants undergo even a level two assessment, that is, a comprehensive study, when aging reactors are shut down for years and significant modifications are made to the power stations and utilities attempt to restart the reactors, as Ontario Power Generation plans to do this summer at its Pickering station.

In fact, none of our nuclear power generating stations has been assessed as a whole under EARP or under this legislation. We had review panels under the EARP guidelines on the concept of deep geological disposal of nuclear waste, on uranium mining developments in northern Saskatchewan, and on the uranium mine tailings of Elliott Lake. There has been no assessment of the potential of our nuclear power plants to cause significant adverse environmental effects, including adverse health effects to people who live close to these plants, or, God forbid, in the event of a catastrophic event that could spread radioactive contamination over much of Toronto and downwind to northern New York State.

We have had no comprehensive study or panel review because the plants were constructed before the courts determined that EARP was enforceable and because the act we are amending does not include prolonged shutdowns of reactors or significant retrofits among the projects that must be assessed. Comprehensive studies have been required of a military parachute training area, a water pipeline and road construction. All this law required of Ontario Power Generation was that it meet the requirements of the screening, the same level-one assessment that in the Pickering area examined bridge repairs at a golf course, reconstruction at a railway level crossing, and demolition of barns on various sites.

The assessment act gives ministers the discretion to order independent panel reviews when the projects pose a potential for significant adverse environmental effects and when there is public concern. In the case of the Pickering shutdown of four reactors, there was a well-documented history of public concern. The City of Toronto, the City of Oshawa and more than 200 other interveners called for a comprehensive federal review. A referendum calling for a provincial assessment was supported by some 87 per cent of more than 17,000 residents. A team of scientists from the University of Toronto and McMaster University, hired by the City of Pickering, also recommended an upgrade in the federal review. There was a formal request to the Minister of the Environment to refer the project to an independent panel. All to no avail. The so-called trigger of public concern was jammed. Neither the regulatory commission nor the minister required the utility to do more than what is described as an enhanced screening.

Your Energy Committee commented on the inadequacies of that assessment and recommended that the government correct the glaring oversight in the act by requiring comprehensive studies, at a minimum, of projects involving significant modifications to nuclear reactors and nuclear power stations and the re-start of reactors following prolonged shutdowns.

• (1530)

Bill C-9 ignores that recommendation. On that ground alone, we could choose to oppose this bill, given that the Senate adopted the committee report. However, we have to dig deeper to understand how the problems I have mentioned — and several others — remain in the act, despite the mandatory five-year review of the legislation. We also see that, as parliamentarians, we cannot amend Bill C-9 to prod the government to accept our earlier recommendation.

The flaw lies in the act itself. Unlike most mandated five-year reviews, the review we passed was not placed in the hands of Parliament. The act required the minister to undertake a comprehensive review of its provisions and operation. The minister defined the terms, tabled his report to Parliament and drafted bills — Bill C-19 in the last session and renamed Bill C-9 in this session. They do not include amendments to sections that cause difficulties or add new sections that could correct obvious omissions. Now we are constrained to sections of the act that Bill C-9 addresses. We cannot open up the full act and do what we think is required.

Fortunately, Bill C-9 does amend the section that will govern the next review of the legislation. Next time, a parliamentary committee will set the scope of the review.

Bill C-9 does make other improvements, as Senator Kenny has noted. It does bring most Crown corporations under the act's regulations, at least within three years, unless they devise their own acceptable regulations.

The Export Development Corporation would still be exempt, and that is problematic, as the Auditor General observed two years ago. The EDC introduced its own environmental review process in April 1999. When the Auditor General examined it, she found that more than 90 per cent of the projects examined were not properly assessed. Assessments of 24 of 26 projects got a failing grade, and nine of 13 others that did not qualify for reviews, according to the Auditor General, posed environmental risk.

The Auditor General said the following:

The corporation does not have sufficient information to know if environmental risks exist and are being adequately addressed, and how Canadians could be supporting projects which they would feel do not meet environmental standards.

With Bill C-9, we could still see the government give loans or loan guarantees in support of nuclear reactor sales or aircraft sales or other exports without taking the most basic steps to see how the environment is directly affected elsewhere as a result of our government decisions, so it is business as usual for the EDC.

Other Crown corporations, namely the Atomic Energy of Canada Limited, will have three years to decide how they will be included. Frankly, they are nervous. Their anxiety should not be a reason to see this improvement fall by the wayside.

The bill has other benefits, as Senator Kenny eloquently set out. Some non-federal entities on federal lands, such as airport authorities, will be covered. Quality control of assessments will be required by the Canadian Environmental Assessment Agency, and there will be additional funds.

However, Bill C-9 also takes one giant leap backwards. As the act stands, ministers can appoint an independent review panel at almost any time, including at the end of a comprehensive study. In fact, that final option was exercised once at the end of one of approximately 100 comprehensive studies. In the assessment of 40,000 projects, only 10 panels have been appointed, nine of them following screenings and one following the more detailed comprehensive study.

Bill C-9 removes that option. Departments, agencies and, in time, Crown corporations must decide after a screening whether a comprehensive study or independent panel is needed. I appreciate the argument that this change lends greater certainty from the perspective of project developers. It removes the need to take part in a comprehensive study and then receive the unpleasant surprise that an independent panel will start work.

My misgivings about this change are these. First, there could well be another instance in which this screening process fails to recognize that a panel review is ultimately required. The amended bill would provide no recourse to correct that significant error.

Second, by holding out the possibility of an independent panel review — which in my opinion is the best way to assess things — something that project proponents want to avoid, there is incentive to conduct thorough comprehensive studies. Do the job well and that is all you have to do. Remove that remedial option and there is a far smaller real-world penalty for making less than adequate effort in the course of a comprehensive study.

That brings me to another huge problem with this bill. There is no enforcement provision, no penalty, no “or else” for simply ignoring the act. However, with the bill comes a new position of environmental assessment coordinator. I will be interested to hear in committee to what extent the coordinator can stop up those leaks in the bill.

Now I want to get to the very crux of the matter, as the current minister of the environment defines it. In his report, he declared that the “core strength” of the act is found in its provision for independent panel reviews. I agree that this is where it should lie. The other forms of assessment, mediation aside, are essentially self-assessments. Proponents and departments determine whether there will be harm to the environment, how to mitigate it and whether the project should go ahead. Interested parties and ordinary citizens can contribute information, but, ultimately, departmental officials relying heavily on information provided by developers decide to grant the permit, approve the funds or proceed with the project on federal lands. The vast majority of the time, these internal assessments are good enough but certainly not always. Sometimes, an independent perspective is required.

Since 1995, there have been 40,000 such screenings leading to approximately 100 comprehensive studies. Only 10 independent panels have been appointed, that is, 0.025 per cent of assessments. I am not suggesting some magic percentage should be achieved. I am suggesting that, too often, independent panel reviews have been denied.

I have cited the nuclear reactor case. I want to give some detail on two other glaring omissions. Without being too parochial, the first comes from my own province. Imagine 15 million hectares of forest on the Manitoba-Saskatchewan border. That is an area larger than New Brunswick and Prince Edward Island combined. Imagine a plan to take more than 2.5 million cubic metres of timber a year out of it and to construct more than 1,400 kilometres of new, all-season and winter roads with more than 35 river crossings. Know that federal officials determined that at least 20 of those crossings required federal approval under the Navigable Waters Protection Act. Consider that our Department of Fisheries and Oceans had in hand a commissioned study that found approximately 6 million acres contained superior quality fish habitat that would be at high risk from forestry and road construction. Add to that that the environment minister declared the area of national and international importance for migratory birds, and know that a similar project in the days of EARP was found to require a federal assessment.

Honourable senators may be shocked, as was I, to know the government's position on the assessment of the project. It decided that the project, for assessment purposes, did not include a new pulp mill to be constructed or 1,400 kilometres of road or any of the millions of acres of forest to be harvested. It was simply a 20-by-70 footbridge over the Sewap Creek that required a permit under the Navigable Waters Protection Act.

Manitoba's Future Forest Alliance, a coalition of citizens and environmental organizations, tried repeatedly to have the minister invoke section 46 of the act that allows him to launch a full-panel review when a project in one province may cause significant adverse environmental effects in another project or internationally. The discharge of mill effluent into interprovincial and international waters, the destruction of migratory bird habitat and the destruction of millions of hectares of fish habitat never really counted. The central issue here was the government's absurdly narrow interpretation of the term “project.” In this instance, it could not see the forest for the bridge.

• (1540)

Just as shocking, a federal court and a federal appeal court upheld that interpretation. As a backhanded reward for years of effort in trying to enforce the spirit of the federal act, the Future Forest Alliance was ordered to pay the forestry company \$25,000 in costs. That onerous practice, incidentally, of the Department of Justice, seeking an order of costs against citizens who challenge the government's interpretation of the act, has become routine.

Bill C-9, now before us, does nothing to prevent a recurrence of this extremely unfortunate outcome should anyone attempt to force a panel review of a forest as opposed to a bridge.

Now a new Manitoba Hydro power project is being planned. The province is seeking federal funds from the Kyoto implementation budget.

What about the environmental assessment? At present, only the Manitoba Clean Environment Commission will review a project. This project, which is a huge industrial project, should have a full panel review. Native people who live in that area are calling for a full review and have lobbied the government.

Honourable senators, the second example I would like to cite comes from Inverhuron, Ontario, a hamlet of approximately 300 families immediately next to the Bruce nuclear complex. These families are concerned about their local food and drinking water that has been tested at 50 times the level of natural background radiation. They have suffered childhood leukemia deaths and two documented cases of advanced aging disease in children within a 25-kilometre radius of the plant. As the president of the ratepayers' group told the committee in the other place, "When you see a six-year-old child who looks like sixty and who dies before the age of nine, it breaks your heart."

These families live near the world's largest nuclear facility, nine reactors and a heavy water plant that, in the past, emitted hydrogen sulphide gas. It is Canada's only production facility to burn radioactive waste. In the past, it has emitted dioxins and furans hundreds of times in excess of national limits. It has two dedicated radioactive storage sites to store the waste from the Bruce, Pickering and Darlington nuclear stations. There have been documented leaks from these sites of radioactive contaminants into the groundwater.

When they learned that Bruce would also be the site of a new high-level waste storage facility for spent fuel bundles — some 40,000 tons of it — making it the world's largest nuclear waste storage facility, here is what Normand de la Chevrotière, the ratepayers' president, said that families believed:

This is a slam dunk. If anything deserves a panel review, this has to be it. But we'd better not be complacent. We'd better participate in the process.

With no intervenor funding, because a panel review was not recommended, they spent thousands of their own dollars to hire experts. They had the support of their local MP, Ovid Jackson, the local medical officer of health, the Canadian Federation of Agriculture and the neighbouring First Nations. They learned the hard way that overwhelming public concern was not sufficient to trigger a panel review.

They went to court and discovered that the project had changed materially in the middle of the public comment period. When they lost in Federal Court, they appealed and lost again. They sought leave to appeal to the Supreme Court and were denied. In the end, on top of lawyers' fees, they faced \$100,000 in costs to Ontario Power Generation and the federal government.

Mr. De la Chevrotière sums up the horrific experience this way. When their children ask what happened, they can reply:

We did everything humanly possible. We exhausted every regulatory avenue. We exhausted every legal avenue. We did not fail you; the system and the government failed you.

Honourable senators, that system is not changed at all by Bill C-9. By any measure, the act's "core strength" is wanting. It proved spineless when dealing with the world's largest nuclear waste storage facility, Ontario's largest waterfall or forests the size of two provinces combined. Any impartial observer viewing the facts would ask us to stop pretending, to either remedy the huge deficiencies in the law or to toss it out and start again.

That, in fact, is what some parties in the other place are suggesting. They contend that we need a radically different environmental assessment law. I tend to agree. However, we are constrained from doing that here today. Instead, we can only impose, in principle, what this bill fails to do.

I suggest that we must proceed without amendment to gain the relatively modest benefits contained in Bill C-9. However, I would like to see our committee make substantial recommendations about the enormous deficiencies in the assessment process that could be corrected in the next round of review, or sooner.

From Thomas Burger to 2003, Canada's commitment to sound environmental assessment has been on a downward spiral. It can only get better if we come to our collective senses and embrace the concept of environmental assessment as a tool to help us plan better, think longer and build stronger for future generations.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon the Speaker: Honourable, senators, when shall this bill be read the third time?

On motion of Senator Kenny, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

CODE OF CONDUCT AND ETHICS GUIDELINES

EIGHTH REPORT OF RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament entitled: *Government Ethics Initiative*, deposited with the Clerk of the Senate on April 10, 2003.

Hon. Terry Stratton: Honourable senators, I would like today to give a brief report on my opinion as to what has taken place with the study in the Standing Committee on Rules, Procedures and the Rights of Parliament with respect to the ethics package, while reserving my comments for the bill itself. We have presented here an interim report. There is much work to be done. The interim report is just a stone skipping across the surface where we touch on several issues but not to any great depth and substance.

My primary concern has been, and will continue to be, the appointment of the ethics officer. There were two opinions. One was that the ethics officer should be appointed through statute. The other opinion was that the ethics officer should be appointed by the Senate.

The committee had a teleconference with representatives of the House of Lords. One Lord stated that the Law Lords in the House of Lords would no more touch on issues of privilege with respect to the House of Lords than fly to the moon. However, he believed that our Supreme Court, being far more activist in his opinion, would not hesitate to touch upon privilege if we use the statute option.

Honourable senators, I have grave concerns in that regard, and I believe that we simply should not go there. We already have too many laws in this land. If we open the door to allow an activist court to intervene for whatever reason, they will intervene.

The intent of the government would be to bring in the legislation that is currently in the other place. It will come here and we will debate it. I think that there will be a lot of debate.

As I said, we have merely touched the surface of this bill and the entire ethics package. We need to examine it because it deserves consideration in the fullness of time. Thinking matures over time as different witnesses are heard. You do not simply form opinions off the mark and stick to them. Opinions do change and thinking evolves as you hear different witnesses and take the time to reflect about the impact and the effect this proposed ethics package will have on this chamber. It is important that honourable senators have the opportunity to reflect over time.

• (1550)

Some of us do not believe there needs to be an ethics package because there is substantial evidence that we have sufficient rules in place. I tend to agree. However, having said that, we move forward with the realization that we will have an ethics package. The Senate will develop the ethics rules. Having served on the Standing Committee on Rules, Procedures and the Rights of Parliament for a while, I am aware that it will take a great deal of time to arrive at a set of rules, which will continue to evolve and change over time as we meet issues in this chamber that we feel must be dealt with.

Honourable senators, those are my comments. We on this side still do not see the urgency for this interim report. The government was able to review the evidence and learn the thinking of the committee on this issue. Some of us feel quite strongly that we are a little premature in the report because our thinking has not fully matured.

Hon. Joan Fraser: Honourable senators, it is a pleasure to speak today to this report because, unlike Senator Stratton, I believe it is a very good report. The committee worked hard on it, taking pains over every phrase in it. It is a classic example of how Senate committees go to the heart of an issue and make fundamental points about it. It is particularly gratifying to see how strongly our report influenced the government in the preparation of the bill that it has presented to the other place, which in itself was a good reason for preparing the report. That bill will make its way here in due course and we will examine it then. The committee served the Canadian people well.

Above all, it was our committee that said that the Senate should have its own ethics officer and that he or she should be appointed with bi-partisan support in this chamber. These are fundamental points and the committee's view was both strong and unanimous on them.

[Translation]

Today, honourable senators, I would like to speak on a subject on which the committee has not been able to reach a consensus, despite very serious thought and discussion. That is the question of the status of the ethics officer. Should the office be created by legislation or within our own rules, the *Rules of the Senate*?

With your leave, I would like to explain how my own thoughts on this subject have evolved — Senator Stratton is right: our opinions do evolve. I will begin by quoting the first basic principle the committee cited in its report, a principle on which we were unanimous. On page 3 of the report, it says:

The public should have confidence that Parliamentarians conduct themselves with a high standard of ethical behaviour.

That is simple, clear and true. It is self-evident.

[English]

The public must be able to have the confidence that we conduct ourselves to the highest standards. The question is: How best can we arrange our affairs so that the public will have that confidence. It is not enough for us to simply stand on our honour and give public assurances that we have only the highest standards. The time is long past when the public was willing to give its trust simply because someone said "trust me." From Watergate to Lewinsky; from Profumo to gifts of diamonds in Paris; from the Pacific and Beauharnois scandals to Vander Zalm; and to great public betrayals, such as the Enron affair, the public has learned to be sceptical. Understand me, honourable senators, I am not suggesting that senators are in any way corrupt or dishonest; we all know better. I am suggesting that we are, at least, as subject to public scepticism as any one else.

While that scepticism has a healthy side, it has a dangerous corrosive effect. When people do not believe in the integrity of their parliamentary institutions, they lose faith in the integrity of their democracy. A Ph.D. is not necessary to understand that a decline in public trust leads to a decline in democratic participation, electoral turnout and participation in political

parties. Our democracy can work only when people believe in it. Honourable senators, we have no greater duty than to serve and enhance our democracy, including citizens' faith in it. I have long believed that it is important for people who hold public office to have clear, strong, public rules of conduct and, in particular, rules about conflict of interest, in all the many guises that such conflicts may assume.

When I speak of people who hold public office, I am using that phrase in the lay sense and not in the narrower legal meaning. I am using it in the ordinary way that a member of the public might understand it — referring to anyone who is paid from the public purse to conduct the public business, as we all are.

There are, as many honourable senators have observed, some rules that govern us now. All of these rules are public in the Criminal Code, the Parliament of Canada Act, the Constitution Act, 1867 and in the *Rules of the Senate*. Some of the rules are also very strong. It is hard to get much stronger than the Constitution and the Criminal Code. However, few of the rules are clear. I even wonder how many senators, for example, know exactly what is meant by section 23. (3) of the British North America Act, which refers to our property qualifications:

He shall be legally or equitably seized as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, or seized or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alieu or in Rature, within the Province for which he is appointed,...

The Criminal Code provisions are no clearer to a lay eye. For example, how many members of the public would readily understand that when the law speaks of a benefit that maybe bestowed by Her Majesty, it is not referring to the actual physical person of our sovereign. When you read all these rules, which you can do in the interim report, it is easy to understand why the committee agreed that they should be modernized and clarified. This may seem to be a digression but it goes back to the question of public's ability to have confidence. For that confidence to exist, we must not only be, but be readily seen and be understood to be, acting to the highest ethical standards.

One of the rules of thumb that a reasonable person will use in judging whether that confidence is justified is the matter of whether the rules are established and enforced at arm's-length to the people to whom they apply. Self-regulation, although honourably practised by many groups in our society, does not necessarily inspire the same degree of public confidence that an arm's-length system can inspire. Who among us cannot recall hearing public scepticism expressed about some case of professional self-regulation? For example, it might have been a case where the public believed that the professional society of sedan-chair carriers merely wrapped the knuckles of one of its members who had committed a serious offence when the public believed that a stronger penalty was justified.

The higher the public office with which one is entrusted, the higher the standard of ethical conduct to which the public has the right to know that one is held. Honourable senators, there are few higher public offices than the one that we are privileged to hold. There are some, I grant you. Only one of us is a cabinet minister,

to name the most obvious distinction, but we are all legislators. We are all here to vote on laws that affect the daily lives of Canadians. We have the power to accept, reject or amend those laws. There are few higher public duties than that. We have the additional advantage of being permanently secure in our jobs, until the age of 75. This is a public privilege of the very highest order demanding a correspondingly high and transparent ethical system.

• (1600)

[Translation]

Honourable senators, I know, as we all know, that we are all aware of that. I know that the honourable senators are very much aware of their responsibilities and that no one takes these responsibilities lightly. But I also know that the public, whom we serve, does not understand us, and that too often our fellow citizens distrust us, specifically because we have permanent jobs, and our rules are not very clear. There is an idea around that we have must have something to hide — and there are commentators and politicians who encourage such rumours.

[English]

In our era, one of the key ways in which powerful groups — and most people would classify senators as a powerful group — can increase public confidence is by having a strong regulatory system. As I argued a moment ago, the more independent that system is, the more confidence the public will feel in it. That is why, for a long time, I thought that the whole system of parliamentary ethics controls — both the rules and the enforcement — should be set out in law.

Since we in Parliament make the laws, even that is not entirely at arm's-length from us, but it is as close to real independence as one can get for us as legislators. It would be harder for us to change the law to give ourselves some advantage than it would be simply to change our in-house rules. We need only to think about how hard it is, politically speaking, to change the laws about our own pay to understand that.

However, since I came here, I have also come to have a deeper understanding of another crucial principle: the importance of parliamentary privilege. Like almost everyone else, I find that word to be a bit outdated, but the concept is vital. Instead of calling it privilege, let me call it the concept of the rights and independence of Parliament and of each chamber of Parliament. For our democracy to work as it should, it is vital for Parliament to safeguard its rights and independence.

Centuries of struggle and reflection have confirmed that Parliament must be in full control of its own affairs if it is to serve the people faithfully. In particular, Parliament must not be subject to judicial interference as it goes about its business, including the business of setting and enforcing its ethical standards.

How do we square the circle? How do we reconcile these two apparently contradictory principles: the need for an arm's-length system to maintain public confidence and the need for internal control of our own affairs as parliamentarians? Clearly, a compromise that respects both requirements is necessary. Fortunately, we are not the first to consider the dilemma, and the remedy is fairly straightforward, as experience in several Canadian provinces has shown. It is to have an ethics commissioner who is himself or herself a person of guaranteed autonomy, appointed under a statute and with bipartisan support, removable only by a resolution of the parliamentary chamber he or she serves. This makes it clearly a bipartisan and arm's-length relationship.

That person, however, is given no decisional authority. Instead, the legislature itself continues to make and apply the rules about parliamentarians' conduct. The commissioner, in our case the Senate ethics officer, is simply empowered to gather information, to give advice and, where appropriate, to make recommendations to the legislature based on the legislature's rules. The legislature retains all authority to make decisions and take action according to its own parliamentary rules. This, it seems to me, absolutely preserves the rights and independence of Parliament.

It is a system that may lack the elegant intellectual symmetry of a system based only on statute or one based only on in-house parliamentary rules, but experience suggests that it has the advantage of working. It works well in most of the provinces, and I think it is a system that could work well here.

Many senators, including some members of the Rules Committee, do not share this view. They argue that we should beware of setting any part of our system out in a statute where the courts may feel inspired to interfere. Some of them, as did Senator Stratton, cite the House of Lords' system as an appropriate precedent for us to follow. As senators know, the Lords' system is entirely in-house, established under the Lords' rules and administered by a registrar who is the clerk of the judicial office, the Law Lords.

Since our Senate was modeled on the House of Lords to a significant degree, that is a significant precedent to consider. However, I would argue that in this case the differences between our two chambers matter more than the similarities.

To begin with, the House of Lords is now significantly less powerful than the Canadian Senate. It simply does not matter as much in real parliamentary terms as we do.

Second, its nature is very different, even now that hereditary seats are being done away with. The key fact is that members of the House of Lords are not paid. Since they obviously must support themselves, this means that the British system is based upon the assumption that they will all have substantial outside interests, that their job at the Lords is a part-time affair.

We, in contrast, are paid. While our salaries may not be much in comparison to senior levels of the private sector, they are high in relation to the earnings of most Canadians and even of most public servants. In the range of public service, we are well paid.

[Senator Fraser]

Certainly, we are paid a full-time wage, and in the public's mind, this obviously brings a comparable degree of responsibility. Therefore, while I have the greatest respect for the Lords, I think their system is of only limited relevance to us in this matter.

There is another level of difficulty with the Lords' system; that is the fact that their registrar is an ordinary employee of the House of Lords — a senior employee, to be sure, but with no independent legal standing. Is it fair to put on such a person the burden of judging the people who are his or her employers? Would the public have faith in such a system, or would it simply dismiss the commissioner as a lapdog? That would not be fair to the commissioner or to Parliament. I think that is another reason for not going the same way the Lords have gone. The Lords have their own traditions; Westminster has its own traditions and its own political context. We must pay attention to our political context.

Honourable senators, I have not discussed the bill. We shall come to that when the bill comes to us; nor have I discussed what I think should be in the actual rules of conduct that we shall proceed to consider and adopt. That will, indeed, be a subject of fascinating discussion.

I just wanted to talk about the principle that did so occupy the members of this committee as they went about producing the interim report, and explain the reasoning behind the position that I have come to.

[Translation]

We all love the Senate. Our beautiful Senate, as Senator Beaudoin has called it. We all want to protect and improve it.

[English]

If I thought that a statutory ethics officer would diminish in one scintilla the rights and independence of this chamber, I would argue forcefully against it. However, I believe that the appointment of an ethics officer, who not only was but was seen to be at arm's-length from us, could only serve us and enhance our stature as we go forward.

On motion of Senator Robichaud, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(Honourable Senator Prud'homme, P.C.).

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Robichaud has moved the adjournment of this debate. I know that all honourable senators are looking forward to hearing from our colleague Senator Prud'homme. Hopefully he will speak this week.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): The Honourable Senator Prud'homme, who had to be absent this afternoon, has indicated that he wants me to defer debate to the next sitting. He has also indicated that, either this week or the next, he will be taking time to study the items adjourned in his name in order to be in a position to speak on them in the near future.

Order stands.

• (1610)

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Equipment, Furniture and Furnishings) presented in the Senate on April 2, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny: Honourable senators, I have several brief comments to make about this report. In general, I think it is a good report and a positive step forward.

I have now had an opportunity to compare the current report with the previous situation. I think that honourable senators will benefit from this report and that it will be of value to them.

My one observation and my one concern is that we are continuing to move items into senators' research budgets. As a matter of principle, I believe we should keep our research budgets solely for intellectual assistance, and that the provision of desks, computers or like materiel, would be more appropriately met out of the Senate general budget.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

FOURTEENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the fourteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Policy on Telecommunications) presented in the Senate on April 2, 2003.—(*Honourable Senator Kenny*).

Hon. Colin Kenny: Honourable senators, I wish to thank whoever provided the comparisons of the current policies with the new proposal.

This is a positive and useful step for the Senate. My reservations are precisely the same as those concerning the thirteenth report of the committee. I am concerned when we see monies coming out of our research budgets. I should note that our research budgets have not increased. I believe that communications matters should generally be paid from the Senate budget as a whole.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Eyton*).

Hon. David Tkachuk: Honourable senators, 10 years ago, long before Paul Martin controlled the Liberal caucus and the Liberal Party of Canada, the people of this country delivered victory to the Liberal Party of Canada. We on this side of the house are still recovering, and after yesterday's by-election our recovery is progressing well.

We watched as the Liberals assumed power, promising to review the free trade agreement, cancel the GST, cancel the Toronto airport agreement and cancel the helicopter purchase. Those four promises drove the Liberal Party to victory. Those four promises were the vehicles of attack for alleged corruption, alleged bad economic policy, alleged bad transportation policy and alleged bad defence policy, as enunciated by the Progressive Conservative government. A change in these policies was what would make life better for the Canadian people.

We on this side of the house knew that these policies were essential for the strong economic and political development of Canada. Naively, perhaps, we also believed that this nonsense perpetuated by the Liberals would not be bought by the Canadian people in the numbers that translated on that day in 1993.

Failing that, though, we, having battled the Liberals for decades, and knowing them, believed that none of these promises would be kept, so no harm done. To our horror, and to all those involved, they kept two of them. Of course, they denied making the other two, as if all that happened in this place over the GST and the free trade agreement never took place.

It seems that their speeches during the election campaign did not take place either. One policy caused an election — the free trade agreement. The other almost caused a constitutional crisis as the Senate was reduced to all-night vigils in the GST debate.

After the election, the Liberals adopted these two policies. In the case of free trade, the Prime Minister set about a course of expansion as Canada's newest trade advocate, leaving John Turner's fight of his life in the rear-view mirror.

The Liberals, having fought every cost-cutting and reduction measure proposed by the Mulroney government, and having run an election on increased spending in almost every government department, adopted deficit cutting measures and balanced budgeting as their financial mantra immediately upon coming to power. These were the Liberals we knew.

They then engaged in the most shameful act of character assassination against Paxport Inc. and hired Robert Nixon, former Liberal finance minister in the Ontario Liberal government, newly minted chairman of the federal Crown corporation Atomic Energy of Canada, father of Jane Stewart, Liberal MP and now cabinet minister, and personal friend and campaign chairman of the Prime Minister. It seems that Mr. Nixon not only had Liberal pedigree but sired Liberals as well. He was hired to examine the contract with the developers to develop the Toronto airport.

The developers breathed a sigh of relief at this turn of events as they stared at a new definition of fairness. They would be the first to be welcomed to the real Age of Aquarius for Liberals only.

The cancellation of the Pearson Airport development agreement would be the beginning of the first assault on fair play, honesty in government, and a ruthless assault on the Constitution and the rule of law. The new gang in town would attempt to use legislation to assault the law itself.

Pearson was a precursor of much to come. They dismantled the helicopter purchase contracts, paid everyone off with taxpayers' money, sacrificed the safety of the very people who pledged to protect us, and then proceeded to do the same thing with Pearson, because only this place, the Senate, stopped the Liberals from hijacking the Constitution itself. The government, led by the Prime Minister, then went to court where facts would stare them in the face and capitulated without a fight; the shame of it all.

• (1620)

The Liberal government based their decision, for all that transpired on the Pearson airport issue, on what was produced by Robert Nixon. His three-week report produced a work of fiction for the Prime Minister, which I believe was written by someone in the Prime Minister's office who actually believed their own deceit.

In 1993, a private sector consortium won a bid to develop and operate Terminals 1 and 2 at Toronto's Lester B. Pearson International Airport. This agreement would have resulted in \$700 million of private sector investment, creating 14,000 person years of employment. Looking for an election issue in 1993, and without providing any substantive proof, the Chrétien-Martin Liberals charged that the Pearson airport agreement was a patronage scam designed to give developers huge undeserved profits at taxpayers' expense. The Liberals did not let the fact that under this agreement no government money would have been used to get in the way of an opportunistic exercise in character assassination of the agreement's principal players, including the former government and the developers in the Pearson Development Corporation.

It would predictably follow that upon executing a quick review of the Pearson redevelopment agreement in which Nixon concluded that it was done under terms too generous to the private sector consortium, the Liberals moved to cancel the agreement.

It would later prove to be ironic that the Liberals would take the view that the redevelopment agreement for Terminals 1 and 2 was too rich because, in a subsequent breach-of-contract lawsuit over this affair, the government lawyers would eventually wind up arguing that the exact opposite was the case; that the developers would have lost a bundle on the project.

Nonetheless, the government followed up on the Nixon report by introducing Bill C-22, to abrogate the Pearson airport agreement, to give the government immunity from any lawsuits related to this abrogation and to remove the legal right of the Pearson Development Corporation, the group that won the bid to operate Terminals 1 and 2, to seek redress from the courts. Instead, the government wanted a situation where the transport minister would arbitrarily determine limited compensation for the developers' expenses.

To add fuel to the fire, it should be remembered that the transport minister at that time was the great icon of Liberal non-partisanship, impartiality and fairness, Doug Young. During the course of this affair, he developed quite a reputation for making intemperate remarks directed at almost anyone who had questions regarding our government's arbitrary actions.

In the debate that followed over Bill C-22, Progressive Conservative senators objected to provisions that violated fundamental principles of the rule of law and the right of the affected parties to have open access to the courts. After PC amendments were rejected by the Liberal majority in the House of Commons, and the Liberals failed at several attempts to pass Bill C-22, this legislation died on the Order Paper in February 1996.

In April 1996, the Liberals reinstated Bill C-22 in close to its original form, Bill C-28, and it was no better received than the earlier legislation. Like its predecessor, it, too, was defeated in the Senate.

Meanwhile, a \$622 million breach of contract lawsuit by the developers against the Liberal government was making its way through the courts. On a separate front, in the face of the government's refusal to hold an independent inquiry into the Pearson affair, the Senate struck a special committee to examine the events surrounding the Pearson airport agreements and their cancellation by an order of the Senate on May 4, 1995. After hearing over 130 hours of testimony and 65 witnesses, the special committee issued its report in December 1995.

The committee concluded that there was no evidence that the public interest had been set aside during the negotiation of the original agreements. The Conservatives also found that the report upon which the government rationalized its decision to cancel the agreement, the Nixon report, was demonstrably inadequate in the information, time and analysis used to make its recommendations.

On April 16, 1997, the federal government and the Pearson Development Corporation reached a \$60 million out-of-court settlement over the consortium's lawsuit. The government wound up paying \$45 million for direct out of pocket expenses, and \$15 million to cover the consortium's legal costs and interest. It should not be overlooked that taxpayers were also on the hook for the government's legal bill.

The Greater Toronto Airport Authority, the GTAA, which is now managing Pearson, received \$185 million in rent relief from the government so that it could pay \$719 million to buy back Terminal 3 from the Pearson Development Corporation.

Also, in early 1997, transport documents suggested that the cost over 20 years of the Liberal government's decision to cancel the Pearson airport agreement was roughly \$873 million and adjustments for inflation and tax considerations would push this figure higher.

In monetary terms, the combined cost to Canadian taxpayers of this Liberal exercise in opportunism ended up approaching over \$1 billion.

In terms of wasted economic benefits, the cost generated by this wasteful fiasco was just as steep: a loss of some 14,000 person

years in employment and the loss of additional secondary job creation.

Two tangible ways of assessing this issue in terms of being another exercise in massive Liberal waste are also apparent. First, considerable parliamentary resources had to be utilized in the fight against Bill C-22 and Bill C-28; and, second, in the work of the Special Senate Committee on the Pearson Airport Agreements.

Particularly in the Senate, extraordinary effort was expended to fight for basic principles that the government's arbitrary actions threw by the wayside: First, the rule of law; second, the rights of Canadians to have access to the courts to protect themselves from arbitrary government action; and third, the issue of what was the most prudent policy course for the Canadian government to pursue with respect to the matter of Pearson's redevelopment.

In fighting for these issues and others, the work of honourable senators on both sides of the Special Senate Committee and in the main chamber was invaluable and indeed it was the right thing to do.

How needless these efforts would have been had the government not chosen the route of contract cancellation and had instead upheld the policy route developed by the previous government. These efforts by parliamentarians can be viewed as another example of government waste generated by the actions of the present Liberal government.

What was the policy decision that was causing the problem? The policy decision that the Conservative government made was that there should be private sector development of airports as well as local, municipally-controlled airports.

It seems that the concern of the Liberal government was that someone might make a profit. Someone might make some money by running an airport; as if municipal airports do not have to make money. Municipal airports must make the same profits as private airports must make, otherwise, who would fix the airport? Who do you think pays for the infrastructure? Who pays for the buildings? There is no such thing as a non-profit corporation. A non-profit corporation only means one thing: It does not have to pay any income tax. It is not because it does not make a profit, because they all have to make profit and if they do not make profit, governments have to write a cheque to pay for the infrastructure. That is exactly what they do.

When the Liberals chose to cancel the contracts to redevelop Terminals 1 and 2 at Pearson, they were gutting the work of public servants who managed the process, of the policy framework people, of the negotiation process and of every public servant and every business person involved in putting the agreement together. With barely an afterthought, the Chrétien-Martin Liberals, threw all of this work by the public service, the government and the policy people out the window.

Did the Liberals knowingly cause such massive waste in the name of some high-minded ideal? I doubt it. I know they did not. Were they motivated by some deep concern for what was in the best interest of the travelling public, the Canadian taxpayers and the people of Toronto? We have the result of ten years of transportation policy by the Liberal government. Just travel to Pearson International Airport. Try to find an airline outside of WestJet that has good economic infrastructure. All of those issues were the result of bad Liberal transportation policy. It started with the cancellation of the Pearson Airport Agreements.

An Hon. Senator: Give me a break!

• (1630)

Senator Tkachuk: I do not have to give you a break. I am telling you that we have a worse situation today than we had 10 years ago. All our airlines are almost bankrupt. Toronto Pearson International Airport is a disaster area. It is 10 years hence, and that would have been finished five years ago. We would today be reaping the benefits of the 1993 Pearson Airport Agreements that the Liberal government cancelled. I am just telling you what exists today. I am not making this up. We all know it, because we fly on planes, and we know exactly what is going on.

The Liberals did this in much the same way that guided them to attack and distort for electoral gain, and thereby cancel, another Progressive Conservative policy, that is, the helicopter project.

In fact, informed by the benefits of the passage of time, the Liberal EH-101 debacle and the Liberal Pearson fiasco are twin illustrations of the pernicious outcomes that can arise when cheap electoral politics are mixed with governing.

As the months wind down on this Liberal government and the Prime Minister searches to define his legacy —

The Hon. the Speaker: Honourable Senator Tkachuk, I am sorry to interrupt, but your 15 minutes have expired.

Senator Tkachuk: I would ask leave to continue. I only have a minute or so remaining.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Tkachuk: Honourable senators, as the months wind down on Prime Minister Chrétien's time as Prime Minister and as he searches for issues to define his legacy, voters will not let him forget his approach to the redevelopment of the Pearson airport, particularly as it can be viewed through the ever-expanding prism of massive Liberal waste of taxpayers' money and resources.

Every time we travel through Pearson today, we are reminded of another broken promise. It was the Liberals who said, "There

will never ever be an airport tax at Pearson," yet 10 years later, every time we buy a ticket and go through Pearson Airport, it costs us, the taxpayers of Canada, \$10 — another broken promise by the Liberals.

On motion of Senator Kinsella, for Senator Eyton, debate adjourned.

COMPETITION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-249, to amend the Competition Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

THE BUDGET 2003

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, this afternoon I should like to briefly respond to the unjustified criticisms of the recent federal budget, criticisms that have been heard from many of the health care delivery system stakeholders.

[*Translation*]

I was therefore surprised to read certain statements to the effect that the flaws in the federal budget demonstrate that health is not a priority for the Canadian government and that it is deviating from the recommendations of the Romanow report and the report by the Standing Senate Committee on Social Affairs, Science and Technology.

[*English*]

This statement in fact summarizes much of the unfair criticism that has been reported in the press in relation to the budget. The first criticism states that, in spite of its stated priorities and the repeatedly expressed wishes of the Canadian population, the proportion of spending allocated to health is inadequate. The second line of criticism would assert that the government, in its budget, did not follow the recommendations of various studies, specifically those of the Standing Senate Committee on Social Affairs, Science and Technology and of the Romanow commission.

[Translation]

In fact, the basic premise underlying both reports is that any new funding must be conditional upon the achievement of certain reforms that are a priority, namely primary health care, home care and pharmacare, as otherwise these reforms would never see the light of day.

That is why the lion's share of the new transfer payments, that is \$16 billion over five years, will be allocated to this fund for reform.

One might well wonder whether the recent funding announced by several provincial departments of health in the areas of primary health care and home care would have come along if it had not been for the conditional nature of the federal transfers.

When it is definitely known that the provinces have brought in these reforms, in about five years, then all federal transfers in this area will be consolidated into a Canadian health transfer fund.

[English]

This means that the current CHST will be split in 2004-05 into a Canada health transfer and Canada social transfer. The budget assumes, with reason, that 62 per cent of the old CHST goes to health. On that basis, the amount of cash going to support health care in 2005-06 will be \$13 billion, not including the \$4 billion in reform funds and the remaining \$500 million in cash left from the 2002-03 surplus. This would amount to about 25 per cent of provincial and territorial spending on hospitals and physician services. This is exactly the proportion of federal funding recommended in the Romanow report.

There are other needs, however, in the Canadian health system that are not covered by transfers to provinces. The budget addresses them very efficiently. For example, there is generous funding for health promotion and health protection. More than \$1 billion over two years will be allocated to ensure the safety of air, water and food.

[Translation]

But there is more. In many areas, increased payments will enhance the efficiency of our services.

For example, the funding allocated to the Canadian health information system now exceeds one billion dollars, which makes it one of the best funded systems in the OECD.

The same is true for granting agencies in health research. Their higher funding levels will no doubt benefit our university hospitals, whose plight is well known.

In fact, the new amounts earmarked for health research this year total more than \$345 million. The knowledge development

resulting from this infusion of capital will surely have a significant impact on the health of Canadians and the efficiency of our health care delivery system.

[English]

Many other areas of the Canadian health care delivery system will be positively influenced by this new budget. For example, its governance will be facilitated by additional funding to the Canadian Institute for Health Information, a real Canadian success story. Funding will also be allocated for the creation of the new health council, which has been universally acclaimed and whose mission to demonstrate accountability, excellence and innovation will really transform our system. There is also money for the new institute of health safety, for technology assessment and for the study on human resources in the health field.

Under the new funding for palliative care in the form of EI benefits for compassionate leave, I should like to recognize the important, crucial work of Senator Carstairs in this regard.

In addition, many of the new initiatives announced in the budget will build on recommendations contained in volume six of the report of the Standing Senate Committee on Social Affairs, Science and Technology.

• (1640)

There is, for example, explicit reference of catastrophic drug coverage, short-term acute home care, electronic health care records, primary health care and so forth. These are the priorities of our report.

[Translation]

I would like to draw particular attention to the \$90 million over five years allocated to health care for minority language communities. There is another \$1.3 million allocated to health care for Aboriginal nations.

We now know how important the social determinants of health are. We know, in particular, that factors such housing and a harmonious setting in early childhood are more vital to human health than hospital care. The budget invests an extra \$1 billion in these social determinants of health.

[English]

In fact, honourable senators, this is really a health budget. This year alone, \$5 billion out of a total spending of \$6 billion goes to our health system. That is 80 per cent of the budget.

[Translation]

Honourable senators, in fact, more than 80 per cent of new spending announced in the last budget will go directly, or indirectly, to health. As a result, I believe this is a budget that will mark an era as one of the most transformative factors in our Canadian health care system.

Hon. Roch Bolduc: Honourable senators, I would like to ask a question. I broached this subject in my speech on the budget. I understand that the government has invested in health care. Does this represent health care reform, or simply an investment in health care?

Senator Morin: Honourable senators, I thank the honourable senator for his question. It gives me an opportunity to touch on the numerous commissions that have studied Canada's health care system in recent years. All of the provinces have carried out studies and the federal Liberal government established the Romanow Commission, which recommended reforms. Closer to home, the Standing Senate Committee on Social Affairs, Science and Technology also recommended reforms.

I am very happy to say that these different reforms were accepted and agreements were established in the February 2003 agreement with all of the premiers. Also, for the first time, the provinces will be accountable through this health council to demonstrate that the various reforms were carried out. For the first time in the history of Canada, different commissions proposed almost identical reforms. They were accepted by the various stakeholders, provincial governments and the federal government. Ottawa funded the reforms and the provinces must report back in five years. This is a unique initiative and the federal government must be commended for it.

Hon. Michael A. Meighan: Honourable senators, the advantage with taking our time in the Senate before beginning our debate on the budget is that it allows us to reflect rather than respond immediately, as is the tradition in the other place. We have the opportunity to observe the effects of the budget and to see what changes it causes, if such is the case, before responding.

Today, I would like to speak on a subject to which I have devoted much time in the past few years, the military, and the army reserves or militia.

Before dealing specifically with these subjects, I would like to make some comments on the nature of Mr. Manley's first budget as Minister of Finance. The minister and the government of which he is a part have missed the ideal opportunity to serve the Canadian people. In fact, it is in the interests of the current Prime Minister's legacy, and to commit federal spending in coming years, in order to limit the flexibility of the next Prime Minister, that the real concerns of Canadians have been set aside or simply ignored. One could even say that the needs of Canada were treated haphazardly: a little here, a little there, but never touching on anything substantial.

[English]

Honourable senators, a government that runs a surplus year after year on the backs of taxpayers, with no considered plan as to how to spend this money, is a government with no overarching fiscal plan and, certainly, no vision for the future.

The priorities after health care, defence and education should be paying down the debt and tax relief, especially for Canadians at the lower end of the economic scale. A rigorous commitment to debt reduction — not debt reduction as an afterthought — would pay large dividends down the road. Right now, the amount to service the debt on an annual basis is the federal government's largest single expenditure. Reducing this amount would give the government freedom to choose among policy initiatives. It would

provide more money for health care, defence or perhaps allow it to reduce taxes, giving Canadians more disposable income.

I believe the greatest legacy the Prime Minister could have left Canadians would be a country whose surpluses help pay down the mortgage on our future through debt repayment. This would have translated into more money for health care, defence, education, even student debt or lower taxes. However, this is not what the finance minister did in his budget. Spending has increased, spread over a cornucopia of initiatives with the hope that at least one of them may be memorable enough to serve as a legacy for Mr. Chrétien.

Of course, the area where the Prime Minister does leave a legacy, and I am afraid a sad one at that, is in the area of defence — a legacy of neglect, a legacy where it was always known that if money was needed to fund initiatives from the gun registry to advertising contracts, it could always be taken out of the defence budget.

Before I begin to criticize the government for what it has done to our military, I believe I should, in all fairness, congratulate our current Minister of National Defence, the Honourable John McCallum, for being able to secure a somewhat remarkable — at least for this government — increase in spending. As the minister told the Senate Veterans Affairs Subcommittee the day after the budget was tabled, he had succeeded in finding sufficient money to close the gap “between our budget and what we were called upon to spend.” It is a beginning, but it is only a beginning.

Unfortunately, after years of neglect, after years of telling the military it had to do more with less, after years of commitments that have strained our forces to the breaking point, it is not good enough now to simply attempt to close the gap. I say “attempt to close the gap” because the ongoing deficit is estimated to be between \$1 billion to \$1.5 billion per year. That is billion, not million. That is not surprising, given the way budgets have treated defence since the government came to power in 1993.

I recall for honourable senators that the last budget of the government led by Prime Minister Brian Mulroney designated \$12.4 billion for defence. By 1996, this government had brought it down to \$10.6 billion and further reduced to \$9.8 billion in 1997. This downward spiral continued through 1998, to \$9.4 billion.

Senator Lynch-Staunton: Who was the Minister of Finance then?

Senator Meighen: It seems to me it was the Honourable Paul Martin, future and putative prime minister. His name seems to come up frequently in our discussions.

While budgets in more recent years have started to restore funding, it does not make up for years when the defence budget was raped and pillaged.

When I was a member of the Special Joint Committee on the Future of Defence Policy, then Minister Collenette appeared before us and unequivocally stated — and Senator Rompkey will remember this — that our military needed consistent funding year

after year in order to plan, to be efficient and to be effective. I know Senator Rompkey was a strong advocate of that principle, and I hope his influence increases, too. As Senator Rompkey knows, this has not happened. It has been to the detriment —

An Hon. Senator: Whom does Senator Rompkey support?

Senator Meighen: I do not know if he is one of the 124 or not.

Leaving my friend Senator Rompkey, for the moment, and getting back to the Manley budget, it should be noted that the Forces themselves have to cough up another \$200 million in savings to help the government address the sustainability gap. Mr. Manley's budget allocates \$100 million to cover the cost remaining for our military commitment in Afghanistan.

• (1650)

Honourable senators, where will the money come from to sustain our return to Afghanistan as promised by the Prime Minister?

Honourable senators are well aware that the Conference of Defence Associations and others stated that the budget provides less than what the Canadian Forces require to prevent further deterioration of our capabilities. Our own Standing Senate Committee on National Security and Defence has recommended the immediate infusion of \$4 billion. The defence committee in the other place has recommended a 50 per cent increase in spending over the next three years — \$18 billion in new money.

We have before us a budget that has not taken into consideration some of the pressing needs of our Armed Forces. I do not want to impinge on the territory of my friend Senator Forrestall, but on top of the list are the maritime helicopters. I am sure honourable senators would not want me to read the articles in the press of the last few days where phrases such as "plain stupid" and "abject failure" come to the surface time and again with regard to the process adopted by this government.

We need maritime helicopters, long-range troop transport planes and funds dedicated for training. We need improvements to military housing. Obviously, the most important need by far and away is the replacement of those aging Sea Kings.

Honourable senators, it is almost 10 long years from the time when the current Prime Minister made a political promise, and it was nothing more than a political promise during the heat of the 1993 election campaign, to cancel the purchase of the helicopters if his party was elected to govern the country. Unfortunately, his party was elected and his promise was kept.

Since that time, taxpayers have paid approximately \$1 billion to enable the Prime Minister to keep this promise. Perhaps if he had found another \$1 billion, he might have kept some of the other promises to which Senator Tkachuk referred.

There were contract cancellation fees, monies paid to keep the Sea Kings flying and lost revenues for Canadian industry. All of these would have benefited had the contract been honoured.

I hope that the first order of business for the new Leader of the Liberal Party — perhaps it will be our friend Mr. Martin — will be the purchase off the shelf, if possible, of a new fleet of naval helicopters.

These acquisitions cannot and will not happen with funding levels stuck at 1993 levels. In other words, this budget contains no new money. It merely refills the military coffers that the government robbed between 1993 and last year. Either the government is genuinely committed to national security or it is not. Quite frankly, after watching this government's indecision over the Iraq conflict, one wonders.

[Translation]

Honourable senators, the Senate Committee on National Security and Defence has produced a number of reports dealing with the precise nature of our security and our defence capabilities. These unanimous reports have been acclaimed for their insight and their high relevance to the debate. It is time that the government recognizes that, with the atmosphere of hostility now reigning in the world, we will have an opportunity to fight conventional wars on the other side of the world. If we want to be thought of as a nation that supports its allies, we must be equipped to do so.

[English]

Supporting our regular armed forces are our reserves, as all honourable senators are aware. Our reserves need resources for training, equipment and salaries. Our army reserves, the militia, have been cash starved for years. The reserves need some of the money dedicated for defence if they are to be able to support our regular forces.

Money must be forthcoming; it must reach the armoury floor. New recruits must be processed, hired, trained and paid. I would ask that the Minister of National Defence make it clear that sufficient money be directed to the reserves so that they can and do fulfill their valuable functions both at home and abroad.

Since the terrorist attack of September 11, 2001, all of us have become conscious of our vulnerability to attack. We do not live in the fireproof house that North America was described as being many years ago.

Canada is a country with multilateral obligations. We cannot and must not sit on the sidelines and let other countries sacrifice for us. In order to do our share, we must be properly equipped. This does cost money, money that this government has not seen to allocate in sufficient amounts to enable us to pull our full weight in the continuing fight against terrorism.

I hope that other honourable senators will address this issue in subsequent speeches on the budget and bring pressure to bear on the government, for we ignore this issue at our peril. We, as

Canadians, risk becoming irrelevant on the world stage. We risk becoming a country that cannot be counted on to support its allies and a country incapable of living up to its international commitments. Surely, one thing on which we can all agree is that Canada deserves better than this.

On motion of Senator Stratton, debate adjourned.

[Translation]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Bacon,

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;

The practice of land allotment on-reserve, in particular with respect to custom land allotment;

In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and

Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003;

And on the motion in amendment of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Keon, that the motion be amended in the first paragraph thereof by replacing the words "Standing Senate Committee on Human Rights" by the words "Standing Senate Committee on Aboriginal Peoples"; and

That the reporting date be no later than March 31, 2004 rather than June 27, 2003.—(Honourable Senator Rossiter).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, before the standing of Item No. 108, which is the Honourable Senator Maheu's motion, as well as the amendment to it, the debate was adjourned on behalf of the

Honourable Senator Rossiter. I have been asked when this issue could be examined, since it is very important. It will require a fairly in-depth study, and some members of the committee would like to start as soon as possible so that the motion is given the attention and time it deserves.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I will undertake to consult with Senator Rossiter and report.

[Translation]

Senator Robichaud: Honourable senators, I would like to know when the Honourable Senator Kinsella will address the Senate again on this subject.

[English]

Senator Kinsella: Honourable senators, I am tempted by my learned colleague, Senator Bolduc, but I will consult with him and report tomorrow.

Order Stands.

• (1700)

CANADA-EUROPE TRADE RELATIONS

INQUIRY—DEBATE ADJOURNED

Hon. Raymond C. Setlakwe rose pursuant to notice of March 27, 2003:

That he will call the attention of the Senate to Canada's trade relations with Europe.

He said: Honourable senators, as I rise today to speak to trade relations with Europe, I have in mind two terse comments from persons for whom I have a good measure of affection and admiration. The first is the Honourable Jean-Luc Pépin, a wonderful parliamentarian and endearing educator. Some of you may have had the pleasure of debating or bantering with him.

In a speech delivered in Toronto in March 1974, as Canada's Minister of Trade and Commerce, he stated, tongue in cheek: "Canadians don't export. We permit others to import from us." That was quite some time ago. Since then, FTA and NAFTA have somewhat brought Canadian exporters out of their torpor, certainly as far as the U.S. market is concerned.

[Translation]

But we have been far less successful with the other element in the essential pair of liberalization and diversification. This brings me to the inaugural address of Thomas Jefferson on March 4, 1801 in which he said:

[English]

Peace, commerce and honest friendship with all nations —
entangling alliances with none.

[Translation]

Honourable senators, as far as trade is concerned, we are entangled with our neighbours to the South because we did not diversify our trade. I will be frank, but without falling into the trap of primary anti-Americanism, because on that Pavlovian reflex I subscribe to the views of French philosopher Jean-François Revel, as expressed in his latest work, entitled: *L'obsession anti-américaine*.

I am concerned about the state of dependency on the United States that we are left in because of our seeming inability to convince Europe — or more specifically its officials in Brussels — to establish a fertile free trade area with Canada.

I am even more concerned when I read a significant document from the Conference Board of Canada from last October, which addresses the challenges and choices our country will be up against in the coming decade.

The few separate paragraphs I will quote now are a faithful reflection of the general tenor of the document:

[English]

Economic integration with the United States has expanded significantly in many areas beyond merchandise trade.

By 2010, our business linkages will be even more driven by our relationships within North America....Canadians will become more North American. (They) see themselves as globally focused, but their choices and behaviours will lead them more and more to being simply North Americans.

The Conference Board comments continued:

As we look toward 2010, it is clear that without a concerted effort by both government and business, Canada will most likely become even more dependent on the U.S. market.

The Canadian Council of Chief Executives, CCCE, agreed, when they stated:

North American integration, it says, is irreversible...but the bilateral trade, investment, regulatory, security and institutional relationship do not reflect the advanced level of integration between the two countries.

You would expect the CCCE to use the present state of Canadian-U.S. affairs as leverage for diversification, but no. It recently travelled cap in hand to the United States in an effort to offset what might be negative commercial consequences of our country's independent and legitimate decisions on both Iraq and our full involvement in the war against terrorism.

[Translation]

These findings prompt the authors to promote solutions of a structural and institutional nature that are intended to safeguard some of the elements of economic and trade sovereignty.

These analyses, which are as disconcerting as they are realistic, are a powerful argument in favour of another type of solution: an energetic effort of diversify trade toward the huge European market, leading ideally to a free trade agreement.

There are justifications for such an initiative and they come down to some simple economic proposals.

Before the recent addition of some fifteen additional members, the European Union accounted for 25.5 per cent of the world GDP, thus representing a huge market that will soon equal that of the United States with its 32.2 per cent.

Our exports to Western Europe no longer account for more than about 5 per cent of our total exports, a 45 per cent drop over the past four decades.

Our economy is regularly weakened by fluctuations in certain sectors of the U.S. economy or by trade disputes that flare up, even within free trade agreements.

Our dependence on U.S. markets is greater than ever. Even NAFTA does not prevent restrictive trade practices from being used.

This evolution — which seems more like a drift — has been advantageous for Canadians, but at the cost of definite vulnerability to pressures from our American friends, who are pursuing open and integrated markets around the world, which will benefit themselves first.

As Raymond Aron wrote in 1974, in *The Imperial Republic*:

[English]

A world without frontiers is a situation in which the strongest capitalism prevails.

The benefits of diversification towards Europe should be self-evident, particularly if it grows our total trade, as it should, and does not take away from our commercial relations with the United States. The advice on diversification comes from on high. After portraying Canada's trade regime as among the world's most transparent and liberal, the WTO now calls on the Canadian government to seek trade diversification, as the volume of our exports to our southern neighbour "makes the Canadian economy particularly vulnerable to events in the United States."

There are sound economic reasons for diversification, but because the project calls for political leadership, its proponents are often portrayed as advocating it on strictly political grounds. It is not so. Canada was the first nation in 1949 to insist, under Prime Minister St. Laurent's leadership, that NATO not be an exclusively military alliance, that it should also consider other matters of common interest, such as trade. Much fun has been made of Mitchell Sharp's Third Option in the 1970s, but had it succeeded, our commercial interests would now be well rooted in Europe's large and expansive market and there would be less coughing in Canada when the U.S. economy catches a cold.

In 1997, in London, our Prime Minister renewed his proposal of 1994 to negotiate free trade between Canada and Europe if, he added, as it seemed likely, the United States, for domestic reasons, could not join in the negotiation of a NAFTA-EU free trade agreement. The Americans, as I have discovered on two recent trips to Washington, may now be more inclined to a joint approach with Canada towards negotiations with Europe. Currently, 25 per cent of foreign direct investment, FDI, in Canada originates from Europe. In turn, it receives the same proportion of Canada's total FDI. Yet, surprisingly, efforts to build trade upon sound foundations have failed, a failure that is a shared responsibility.

On the one hand, our own trade sector has been shivery to Europe, which confirms Jean-Luc Pépin's views and illustrates Carl Beige's November 1989 judgment: "Canada is like a womb with a view. We do not want to face the discomfort of the real world." On the other hand, European bureaucrats in Brussels have been quite imaginative, although not too credible, in opposing free trade with Canada while simultaneously negotiating it with other countries.

It is argued that the lack of a U.S. fast track negotiating authority has hampered free trade discussions between NAFTA and Europe. However, the argument is debunked by Europe's agreement with Mexico. Why then is Canada left aside? Among other reasons, we are told that it is because Brussels wants free trade only with developing countries. Of course, the argument does not hold water. Brussels has agreements with Norway and Sweden and is negotiating with East European countries.

Also, Europeans are keen to protect their common agricultural policies. That is no wonder because these policies foster overproduction and allow higher internal purchasing prices and excessive export subsidization of farm commodities, all of which provide European governments with solid partisan, political support from their farming communities. Under the guise of slowly reforming these policies by applying a multi-functionality concept that stresses the non-economic benefits of agriculture, it may be that Brussels assist only giving protectionism another name.

• (1710)

Canada must be relentless in calling for the end of distortions in agricultural trade. However, at the same time, we need to convince Europeans that: Canada's economy has evolved dramatically; bulk agricultural products no longer form a significant part of Canada-EU trade, and although agricultural policies must be overhauled, they need not prevent us from progressing rapidly toward free trade.

Fortunately, a Canada-European Union trade enhancement agreement is soon to be negotiated, following the December Canada-EU summit in Ottawa. It will entail discussions about standards, regulations, investments and movements of people and professionals across the Atlantic, but not the elimination of trade barriers.

[Translation]

As you know, honourable senators, we live in an era in which the economy, business and trade act as the vehicle for values, and social, political and even cultural ideas.

Under these circumstances, are we able to move forward and integrate our trade even more closely with the United States, without jeopardizing the elements of our identity born of the history, traditions, and values left to us by our European ancestors?

Can we afford not to reflect, in our trade relations, our country's rich diversity that millions of people around the world envy?

The former Minister of Industry and Trade, Roy MacLaren, answered this question eloquently last August.

[English]

Let us not fool ourselves. The prospect of pursuing successful policies distinctive in terms of our history, traditions and values...is dim if we do not diversify the sources of our affluence.

[Translation]

The man dubbed the tsar of American trade, Robert Zoelick, wrote the same thing recently in *The Economist*:

[English]

America's trade policies are connected to our broader economic, political and security aims... To be sustainable at home, our trade strategy needs to be aligned with America's values and aspirations, as well as with our economic interests.

[Translation]

The United States does it; why not do the same? We sing the praises of our rich social, cultural and economic diversity in national and international arenas. Why not carry these values along with our trade policy? Who could blame us?

Was it not our countryman Galbraith who wrote that:

...economic ideas are always and intimately a product of the time and place in which they were conceived: they cannot be dissociated from the universe they reflect.

This universe is well described by most analyses of Canadian opinion. They also confirm that while Canadians favour the free circulation of persons, goods and services in North America, they are not prepared to sacrifice their social, cultural or political independence.

Although the hypothesis may not be politically correct, one might imagine that Canadian protestors against globalization would be pleased to see Canada making a significant effort to diversify part of its trade from the United States to Europe.

Moreover, I am thoroughly convinced that, in time, trade globalization will be seen to produce more disputes than the simple regionalization of trading blocs.

How, then, shall we promote Canada-Europe free trade, if the bureaucracy in Brussels continues to slow down discussions by engaging in traditional bilateral diplomacy with the national governments of each one of Europe's friends — and they are legion?

We must reoccupy that ground and mobilize all our European friends to convince them of the appropriateness and reciprocal benefits of a Canada-Europe free trade project.

These friends are all over Europe, especially since we belong to NATO and the G8, and show leadership in the Francophonie. Cities such as Stockholm, London, The Hague, Copenhagen and Berlin would be more likely than the Eurocrats in Brussels to listen carefully to our ideas.

The effort is worth a try. I will repeat the words of Roy MacLaren:

[English]

Without the major initiative of a free trade negotiation, our relations will continue to diminish as the inexorable forces of economics persist in promoting regional integration on both sides of the Atlantic and lessening transatlantic ties, a trend which Canada must counter if, in the end, for no other reason than the peculiar Canadian requirement to enhance our relations with our two founding European nations.

In my idealistic view, this major initiative should have as its goal the implementation of a North Atlantic free trade agreement, eventually including such countries as Russia and Poland. I have become convinced, in recent travels to these countries, that such a project might not be as distant as one would now believe.

[Translation]

I recognize and praise the initiatives of our government, particularly after the tabling of the report by the Standing

Senate Committee on Foreign Affairs, to stimulate discussions on increased trade with Europe.

[English]

The Hon. the Speaker: Senator Setlakwe, I regret to advise that your time has expired.

Is leave granted to allow the honourable senator to continue?

Hon. Senators: Agreed.

[Translation]

Senator Setlakwe: Bilateral discussions must continue and intensify their focus on countries that are allies of Canada. Due to its attempts to delay free trade negotiations with Canada, Brussels is stimulating renewed interest in multilateralism. It is promising more open free trade with Canada, according to the findings of the Doha Round, which will end on January 1, 2005.

In the meantime, Canada must take pains to present the perfect case to the most important countries in Europe so they can promote a free trade agreement in Brussels, which would greatly benefit them, as it would us. But we must also create incentives to persuade the Canadian business community to join in this large-scale project.

The work of the Canada Europe Roundtable on the Canada-European Union business relationship is the ultimate starting point. Business leaders must lead the way to overcoming obstacles for more intense, fruitful and, above all, beneficial trade relations with the old European continent, which is rapidly modernizing and expanding its borders.

It is not just in their financial interests but also in Canada's political interests, at a time when globalization must strike a balance between freer trade and the affirmation of a country's own character and national identity.

On motion of Senator Bolduc, debate adjourned.

The Senate adjourned until Wednesday, May 14, 2003, at 1:30 p.m.

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(HANSARD)

Wednesday, May 14, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, May 14, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE DOCTOR JOHN SAVAGE, O.C.

TRIBUTES

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to John Savage, a medical doctor who served as Liberal Premier of Nova Scotia from 1993 to 1997 and who passed away yesterday.

A native of Wales, John Savage chose Nova Scotia for himself and his family in 1966. His community work as a physician in Dartmouth, particularly in the largely black community of North Preston, is legendary. When he left the premier's office, he resumed with great energy that humanitarian work, which saw him devote his knowledge and expertise to those less fortunate in Russia and Africa.

When John Savage took over the administration of Nova Scotia, our province was a financial basket case, with a deficit of \$617 million. His mission was to put our financial house in order. Through financial reforms, the good doctor's sometimes tough medicine resulted in a reduction in the provincial debt for the first time since 1965.

Among his many accomplishments, one of the most outstanding, in my opinion, was his creation of a province-wide emergency ambulance system, one that has become a model across North America, indeed, around the world.

A man of integrity and vision, John Savage's tough love was both timely and necessary for Nova Scotia. In an interview last month, he said the following: "A more astute politician would have staged major changes over two terms, not in one... that would have been the wiser course." As true as those words are in the political world, that luxury was not available to John Savage, given the real-world financial situation he was facing as our premier.

We shall always respect and honour his unselfish integrity. It has been a rough year for the Savage family. John Savage's wife, Margaret, passed away only six weeks ago, also of cancer. Our deepest and heartfelt sympathy go to their seven children, and we thank them for sharing their wonderful parents with us.

Hon. John Buchanan: Honourable senators, I first met Dr. John Savage in 1971, shortly after I became Leader of the Opposition in Nova Scotia. He was at a Mother's Day pancake breakfast at St. Thomas More Church, in Dartmouth, his church from the time he arrived in Nova Scotia until his death recently. He was serving pancakes with the men's club. When I entered the hall, he

immediately came over to congratulate me, telling me that he was not of my political party but that he hoped that we would become personal friends. Let me tell honourable senators that, from that time on, John and his dear late wife, Margaret, were personal friends of my wife and myself.

As a parent, he wanted sex education taught in Dartmouth schools. When that was refused, John Savage decided to become involved in political life. He ran and was elected to the school board. He served there for seven years, eventually becoming its chairman. In 1985, he was then elected Mayor of Dartmouth, serving for three two-year terms. Following that, he was elected to the Nova Scotia legislature, and became premier in 1993.

During my 14 years as the Premier of Nova Scotia, I got to know John Savage much better than I had in the years previously. I had worked very closely with John when he was mayor of Dartmouth. As well, during his term as President of the Union of Nova Scotia Municipalities, we worked closely together on matters relating to the whole province and the municipal situation.

He was always easy to deal with — at times, a little bit difficult — and he was absolutely committed to the people of Dartmouth. He was very sincere in his passion for public service and underprivileged people throughout our province.

• (1340)

John Savage will be remembered as a staunch family man, deeply religious, with a deep-rooted faith in his Roman Catholic Church, a healer and a humanitarian.

Just a few months ago, he said that he had accepted what life had offered him, and he had accepted the fact that his death was coming very soon. That was the kind of man he was.

His reputation as a humanitarian was manifested quickly in the 1960s, after he and his family had settled in Nova Scotia when he recognized the plight of people in North Preston and that there was no medical clinic nor care for the people of that area.

The Hon. the Speaker: Honourable Senator Buchanan, I regret to advise you that your three minutes under Senators' Statements has expired.

Senator Buchanan: I misunderstood. Perhaps I could have a bit more time. Could I have a few more minutes?

The Hon. the Speaker: I cannot ask for more time under our rules.

Senator Buchanan: Honourable senators, might I have leave for just a few moments?

Hon. Senators: Agreed.

Hon. Gerry St. Germain: Honourable senators, on a point of order, will we extend the time?

The Hon. the Speaker: We will do it one by one. We are on Senators' Statements, and we have 15 minutes, three minutes each. Senator Buchanan has been given leave to continue.

Senator Buchanan: He established the free North Preston Medical and Child Care Society, and he was there every week, from time to time for 20 years as a medical doctor. He was honoured by that community in 2002.

After establishing the North Preston clinic, his attention was drawn to the problem of drug addiction, and he ran a drug detox centre while at the same time working full time as a medical doctor in Dartmouth.

After serving as mayor, MLA and premier, he resigned in 1997. Not content to retire, John Savage continued his humanitarian efforts overseas, which he had commenced in the years 1983 to 1986, when, from time to time, he travelled to Nicaragua and El Salvador to provide medical aid in those countries.

Late in 1999 and 2000, Dr. Savage went to Africa, where he helped establish medical infrastructure and AIDS education to young people. He was in Niger in 1999, and there he delivered medical aid to people in that country, along with pharmaceutical supplies donated by Medical Assistance Programs International.

John Savage was not able to continue his overseas humanitarian work when he learned his stomach cancer had spread. His wife, Margaret, as Senator Moore said, just recently died from cancer also.

He was awarded the Canadian Red Cross Humanitarian Award for Nova Scotia 2002, and just last week was made an Officer of the Order of Canada. The citation making him an Officer of the Order of Canada described him perfectly. He was lauded for his compassion and outstanding commitment to helping the less fortunate at home and abroad.

He will be missed by his family of seven children and his grandchildren.

Hon. Jane Cordy: Honourable senators, yesterday, Dr. John Savage, a former Premier of Nova Scotia, passed away at his home in Dartmouth at the age of 70. I first heard of Dr. Savage when I was a student at Holy Angels High School in Sydney in the late 1960s. He came to the school to talk to us about what we called "sex ed," for Dr. Savage firmly believed in the necessity for sex education of young people. This philosophy was not warmly welcomed by all in the 1960s and 1970s.

In the first school board elections in Nova Scotia in 1978, John was elected to the Dartmouth school board. As Senator Buchanan said earlier, his reason for running was that,

as a parent, he could not persuade educators to teach sex education, but that as a school board member, he could implement change. His determination and perseverance resulted in change.

John Savage was elected Mayor of Dartmouth in 1985 and served in this position until he became leader of the Liberal Party of Nova Scotia in June 1992. He was elected as my MLA and as Premier of Nova Scotia in 1993.

When John and his wife, Margaret, moved to Dartmouth from Wales in 1966, they adopted the community as their own and made their presence felt. John Savage established the first Halifax detox centre and established an evening program for families of drug dependent people.

He was a founding member of Big Brothers Big Sisters of Greater Halifax, and a founding member of the Dartmouth pre-school.

John worked with the community of North Preston to establish a medical clinic and to provide recreational facilities. His son Michael told me that the whole family went to North Preston with shovels and rakes to help build a ball field. He said that as a child, he believed all families did those kinds of things.

When John Savage resigned from public office, he said it was time for him to move on to explore and to accept new challenges. That he did, so much so that he received the Red Cross Humanitarian Award, the Order of Nova Scotia and the Order of Canada.

His accomplishments are only surpassed by his caring for others and the province he adopted and loved so dearly.

He would not want to be maudlin about his death; rather, he would want to celebrate his life. Dr. Savage was a man of kindness, integrity and honesty. As his obituary stated, he made things better. Honourable senators, I am privileged to have called him my friend.

Hon. J. Michael Forrestall: Honourable senators, I wish to associate myself with the remarks of my colleagues from Nova Scotia in paying tribute to John Savage. It would be difficult for me not to pay tribute for, in some ways, I was probably closer to John Savage than most people are aware.

I wish to say to the family of Dr. Savage how much I appreciated, as a young parent, the care and attention Dr. Savage showed my second-oldest son and the number of meals Ms. Savage helped prepare for that young man.

Dr. Savage, indeed, deserves the recognition that has been bestowed upon him.

May I ask only that his memory grow, his lessons with respect to community service get to all of us so that we will continue, as he would want, to live not just in a better community but in a better province, a better country and a better and safer world.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I knew John Savage as one Liberal leader of one province knows the Liberal leader of yet another province, in this case, my native province of Nova Scotia.

I wish to quote from an interview he conducted on April 21 of this year. Dr. Savage said the following:

What's interesting to me is how little-known this palliative care team is. It's a team of one specialist, a resident, nurses, physiotherapist, whatever you need...they come to you....This team is the only one that we have in Nova Scotia, and operates out of the cancer unit.

I've yet to meet anybody who was not overwhelmed by the generosity and the love that you get in the cancer unit....The palliative care unit is a logical sequel to that.

The reporter added: "This is vintage John Savage: turning the spotlight away from himself and onto other people."

It was indeed vintage John Savage, and I can only say how grateful I am that, at the end of his life, he had quality palliative end-of-life care.

• (1350)

ROUTINE PROCEEDINGS

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, May 14, 2003

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill C-15, *An Act to amend the Lobbyists Registration Act*, has in obedience to the Order of Reference of April 2, 2003, examined the said Bill and now reports the same with the following amendment:

1. Page 4, Clause 4: Add immediately after line 15 the following:

“(h.1) if the individual is a former public officer holder, a description of the offices held;”

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

Hon. Consiglio Di Nino presented Bill S-19 respecting Scouts Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY SPECIFIC CONCERNS

Hon. Shirley Maheu: Honourable Senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, with specific human rights concerns and,

That the Committee report to the Senate from time to time and table its final report no later than March 31, 2004.

[English]

THE SENATE

MARITIME HELICOPTER PROJECT— NOTICE OF MOTION TO RECEIVE BRIEFING IN COMMITTEE OF THE WHOLE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I give notice that two days hence, I will move, seconded by Senator Forrestall:

That the Senate resolve itself into Committee of the Whole in order to receive Jane Billings from the Department of Public Works and Government Services and Alan Williams from the Department of National Defence for a briefing on the procurement process for the Maritime Helicopter Project in light of developments since their appearance before Committee of the Whole on October 30, 2001.

QUESTION PERIOD

JUSTICE

NEWFOUNDLAND AND LABRADOR TERMS OF UNION—CONFLICT WITH CONSTITUTION ACT, 1982

Hon. Gérald-A. Beaudoin: Honourable senators, my question is for the Leader of the Government in the Senate and follows on the question by Senator Murray regarding Newfoundland and Labrador.

I agree with Senator Murray that the *Reference Secession of Quebec* states clearly in paragraphs 69, 88 and 153 that, when a resolution is passed in a province for a constitutional amendment, the federal government must react and negotiate. This is what we have done for 10 years in many cases when we amended the Constitution, because we have amended the Constitution nearly 10 times in the last 10 years.

My question is: Is it not true that, according to the jurisprudence of the Supreme Court of Canada, there is an obligation on the government to negotiate?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, according to the material that the Honourable Senator Murray put before the chamber yesterday, the judicial ruling would have us believe that such an obligation does exist. However, in the case of this particular situation, as the honourable senator knows, the issue with respect to the fishery is not an issue exclusive to the Province of Newfoundland and Labrador; it is an issue that is of consequence to many provinces in this country, with few exceptions.

Senator Beaudoin: Honourable senators, I agree that the subject of fisheries falls under section 91.12 and that is found under the distribution of legislative powers. I also agree that formula 7-50 would apply. In the Terms of Union of Newfoundland, we must consider section 22. I cannot say with certainty, but it is possible that section 43 of the Constitution Act, 1982 may also apply. The minister will remember that we amended the system of schools in Newfoundland three times, under section 43. Under the provisions of section 43, we amended section 93 in respect of Quebec. As well, under section 43, we passed a constitutional amendment from New Brunswick regarding the equality of the two linguistic communities.

Obviously, there is a problem. The 7-50 formula will probably apply, which may cause some difficulties. As well, section 43 may apply, depending on how the amendment is drafted.

• (1400)

Will this be in the research of the Prime Minister or the Minister of Justice? Will they study the question of section 43 and the question of 7-50? In my opinion, it is a very important amendment.

The Leader of the Government is not obliged to say yes, but the Senate must study the matter and decide which formula will be employed if she does say yes.

Senator Carstairs: As you know, honourable senators, I will not say yes.

It is very interesting that, in terms of all the other amendments to which the honourable senator referred, particularly the one with respect to the Newfoundland and Labrador school question and the one with respect to New Brunswick, they were exclusive to the jurisdiction of each of those provinces. In this case, it is not within the jurisdiction of only one province. For example, many Canadians may not realize that Manitoba would want to have a large participatory role in this issue because Manitoba has a significant inshore fishery. In fact, it takes place right out in front of where I live.

In terms of changing the fisheries arrangements between provinces, the federal government and the territories, I would suggest that section 43 of the Constitution Act, 1982 does not apply.

The honourable senator has raised an extremely important issue, as did his colleague yesterday, and I will take those representations to the Minister of Justice.

Hon. Lowell Murray: Honourable senators, I hope the minister and her colleagues will appreciate the fact that Senator Beaudoin as well as myself and others are providing employment for people in the Department of Justice.

Whether the resolution in question from Newfoundland and Labrador, when and if it comes, is to be dealt with through the so-called bilateral amending formula or through the general amending formula, will the Leader of the Government in the Senate not agree that the binding obligations identified in the advisory opinion of the Supreme Court of Canada apply to all of the partners of Confederation? If one partner brings forward a resolution to amend the Constitution, then, as I read the advisory opinion, the other partners — federal government and provinces — are obliged to come to the table.

Senator Carstairs: Honourable senators, that is a very interesting argument to set forth. I do not intend to reply, however, and I know the honourable senator would not expect me to. As I indicated in response to Senator Beaudoin, this is an issue that I shall take to the cabinet table.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— OPERATIONAL REQUIREMENTS

Hon. J. Michael Forrestall: Honourable senators, the Maritime Helicopter Project basic vehicle requirement review slide deck of July 31, 2001, states that only one maritime helicopter, the EH-101 Cormorant, is technically compliant with the BVRS revision 3. The slide deck then states that the

"...goal is to rationalize specification to the operational requirements thereby opening the MHP to greater competition."

Can the Leader of the Government finally come to grips with that simple statement and admit that there have been significant changes, indeed, that the requirement specifications have been revised seven times to allow for smaller, less capable bids for competition?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the best way to answer that is to reiterate what was said by the Chief of Defence Staff. He has indicated that he is confident that there is more than one helicopter that can fit the needs of the Canadian Forces, that the competition is robust and that the right helicopter will be bought at the best price to the Canadian taxpayer.

Senator Forrestall: Honourable senators, that is a matter of opinion, is it not?

Can the minister admit — and if she cannot, I suppose that is up to herself to resolve — that, according to the government's own documents, the Maritime Helicopter Project office determined in July 2001 that only the Cormorant could meet the basic vehicle requirement specifications, the specifications that she has constantly said have not changed, and that, therefore, to avoid choosing the EH-101 yet again, the government decided to rationalize the requirement specifications to the statement of operational requirements to allow in other competitors, specifically Eurocopter? Can the Leader of the Government confirm that, as of the basic vehicle requirement revision 3, the Cormorant was, in fact, the only technically compliant vehicle?

Senator Carstairs: Honourable senators, as the honourable senator knows, the statement of operational requirements was determined in 1999 and has not changed since then.

Senator Forrestall: Honourable senators, why can the minister not address the other side of that coin that caused seven revisions? Why can she not admit that that is, in fact, the case, notwithstanding her insistence that there has been no change? There have been seven.

Senator Carstairs: Honourable senators, as the honourable senator knows, there has been much consultation with all the manufacturers throughout this entire process, including with his odds-on favourite, the Cormorant developers. There is no question about that.

Senator Forrestall: That is not my favourite at all.

Senator Carstairs: The discussions have taken place. The important thing to remember is that the statement of operational requirements has not changed.

HERITAGE

GRANTS TO SYMPHONY ORCHESTRAS

Hon. Edward M. Lawson: Honourable senators, my question is directed to the Leader of the Government in the Senate for direction to Sheila Copps, Minister of Canadian Heritage.

In the last couple of years, through that federal government ministry, a \$5 million grant was given to the Montreal Symphony Orchestra. In the last two years, a grant of \$5 million was given to the foundation for the Toronto Symphony Orchestra, which transferred \$2.5 million of that the following year to the Toronto Symphony. When it came to Vancouver, the minister's generosity and imagination gauges were apparently running on empty, and Vancouver got nothing.

As a result, the musicians of the Vancouver Symphony Orchestra were asked to take a pay cut of 9 per cent last year and will be asked to take another cut this year, this time in the amount of 15 per cent. The base salary for musicians in the Vancouver Symphony Orchestra will be \$38,000. In Toronto, due to the generosity of the minister and the government, the base salary is \$56,000 a year. In Montreal, also a beneficiary, it is \$61,000. Of course, the musicians at the National Arts Centre, which is totally financed, receive a base salary of \$68,000.

This was brought to my attention when I was at the symphony last Saturday night. Yes, old truck drivers go to the symphony once in a while. It was a special evening because there was a jazz band on the same stage as the Vancouver Symphony Orchestra. This jazz band had five of the most outstanding musicians I have ever heard — a drummer, a trumpet player, a trombone player, a clarinet player and a pianist. Not only were they on the same stage at the same time as the symphony orchestra, they were playing at the same time. This was due to the genius of a guest conductor, a master musician and outstanding conductor — Senator Tommy Banks, who brought great distinction to the Senate and to the symphony.

Hon. Senators: Hear, hear!

Senator Lawson: Well done, Senator Banks.

• (1410)

My question is for the minister — and I would like an answer in writing, if she can find the time in-between her campaigning. Ms. Copps must be aware of the term "Western alienation," because Paul Martin reminds her, in every campaign debate, that Western alienation is real. It is real because of situations like the one I just described with respect to the Vancouver Symphony Orchestra, and some of us did not know about this. I did not know about the funding issue until I attended the symphony and started asking questions.

If the Montreal symphony can get \$5 million, well done, congratulations, they need it, they deserve it. The same for Toronto — well done, get it to them. However, why does the money run out when she gets to the B.C. border? Would the Leader of the Government in the Senate please ask for an answer to that question? I should like that answer in writing.

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I should point out to him that not only is the Vancouver Symphony Orchestra experiencing considerable difficulties, but so, too, is the Winnipeg Symphony Orchestra; therefore, this issue is not region-specific. Symphonies are having great difficulty, straight across this country.

It is true that the Montreal symphony did receive a considerable grant, but, interestingly enough, it did not come from Heritage Canada; that grant to the Montreal symphony actually came through the economic development initiative within the Province of Quebec.

Other symphonies have not been able to benefit as much from those kinds of programs. In the case of my own symphony, the Winnipeg Symphony Orchestra, they were, in fact, offered a sum of money, but they had to match that in fundraising activities. To date, they have not been able to do that, which is part of the problem with the present-day symphony movement across this country. Unfortunately, the number of people we would like supporting the symphony, in particular corporate entities, are all too often not there.

Senator Lawson: I do not care where the funds came from. A lot of this came from federal funding in one form or another.

Honourable senators, just to capsulize this, the clarinet player I referred to is of Hungarian descent — his father was from Hungary. He is now a Canadian. The clarinet player told us a story that seems to be apropos to what we are discussing here. When his father was on his deathbed, the clarinet player asked him this: "I know you love the country you were born in and Canada equally, so where would you like to be buried?" His father answered, "You decide. Surprise me." Then he asked his father this: "Is there anything special you would like to have?" His father replied, "Yes, I can smell from here that your mother is baking an apple pie. I would love to have a piece of pie." The son said, "I'll get it for you." The clarinet player returned to his father and said, "Mother says, 'Sorry, the pies are for the guests who will be here after the funeral.'"

Honourable senators, that sounds similar to what we are talking about here.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, is it not a fact that the funds allocated to Canada's symphony orchestras come from the Canada Council and not directly from the Department of Canadian Heritage?

[English]

Senator Carstairs: The honourable senator is quite right, that, in terms of the ongoing funding, the grants come from the Canada Council, and as the honourable senator well knows, certain criteria have to be met. However, there are circumstances in which additional sums can be provided from Heritage Canada, or, as in the case of some symphonies, the appropriate ministers can decide to use their economic development agreements to provide that kind of funding.

Hon. David Tkachuk: Does that mean that the Vancouver Symphony Orchestra and symphonies in the West could apply to Western Economic Diversification Fund for funding?

Senator Carstairs: If they meet the criteria required by that fund, they certainly can apply for funding. In fact, my understanding is that the Western Economic Diversification Fund has been used in certain circumstances to provide help to a variety of arts groups.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence, in our gallery, of the Honourable Abdygany Erkebaev, Speaker of the Legislative Assembly of the Parliament of the Kyrgyz Republic, the ambassador of the Kyrgyz Republic to Canada and members of the Parliament of the Kyrgyz Republic from all parties.

[Translation]

On behalf of all the senators, I welcome them to the Senate of Canada.

[English]

FOREIGN AFFAIRS

UNITED STATES AND NORTH KOREA DISCUSSIONS ON NUCLEAR WEAPONS— PARTICIPATION OF GOVERNMENT

Hon. Norman K. Atkins: My question is to the Leader of the Government in the Senate. The negotiations between the U.S. and North Korea over the latter's nuclear weapons program remain extremely delicate and potentially explosive, with thousands, if not millions of lives at stake. Has the Government of Canada offered our services, in any way, to assist in the resolution of the crisis? Are we working at the UN to defuse the situation? What steps have been taken to prevent a conflict to which the war in Iraq would be pale in comparison?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my understanding is that these negotiations are currently ongoing between the United States and North Korea and that other countries are not participating because they are content, at this time, with the level of negotiations taking place between the U.S. and North Korea.

The honourable senator is quite right, the situation is delicate and potentially explosive. I know our country would be there should we be asked to lend a helping hand.

Senator Atkins: Has Canada, in any way, participated in any discussions at the UN?

Senator Carstairs: Not to my knowledge, because I do not think discussions with respect to these negotiations have taken place at the United Nations.

HEALTH

EFFECT OF METAL TOXINS IN FOOD

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. A study released by Environmental Defence Canada has revealed information on disturbing levels of toxins, such as lead and cadmium, in the food we eat. The study, based on published data from Health Canada, found that Canadians ingest as much as four times the acceptable levels. Although the Minister of Health, Anne McLellan, and many scientists say that the toxins are not at an alarming level, they admit that there is, at present, no understanding of the long-term consequences of metal content in food.

My question for the Leader of the Government in the Senate is as follows: Is Health Canada undertaking a study to look at the long-term effects of these toxins?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will have to take that question as notice. I do not know whether such a study is ongoing, but like the honourable senator I share that concern. It was not that many years ago when we did not think lead was a toxin that should be carefully avoided, particularly by young children and nursing mothers; clearly, we now have different information. However, as to whether such a study is going on, I do know and, as such, will have to seek that information for the honourable senator.

Senator Keon: I thank the honourable senator. Perhaps at the same time the honourable leader could inquire about when Health Canada will report on this problem.

Senator Carstairs: Obviously, if such a study is not already ongoing, I will lend my support to the honourable senator's desire that such a study take place. I will try to find out everything I can for the honourable senator.

JUSTICE

LEGALIZATION OF MARIJUANA—
CONSULTATION ON LEGISLATION

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. A news release just off the press today states:

On the eve of the introduction of legislation affecting the legal status of marijuana use, the Canadian Medical Association (CMA) emphasizes the fact that marijuana is an addictive substance that is known to have adverse health effects and we strongly advise Canadians against its use.

Further down in the press release, it says:

The CMA is dismayed with the lack of consultations on the development of the legislation affecting the legal status of marijuana...

Why would the government not consult with those who are responsible for the well-being and the health of all Canadians?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I happen to think that the Canadian Medical Association is not the only body in this country that is interested in the health of all Canadians, and not only their physical health but their mental health as well.

In terms of the reports that have been done with respect to the use of marijuana, I believe the government looked quite wisely to the reports that were done under the leadership of Senator Nolin from this place and under the leadership of Paddy Torsney in the other place. Those committees, in my understanding, met with all interested parties across this country.

• (1420)

Senator St. Germain: Honourable senators, the Canadian Medical Association views this as a disease. With all respect to Senator Nolin's inquiry, in which I participated in British Columbia, although I believe that his study was comprehensive, I do not agree with it and CMA does not agree with it.

The CMA has said that they will monitor developments closely. In the last federal election, the government promised a comprehensive national drug strategy to combat illicit drug use, and Canadians are still waiting. The CMA monitors this closely because they view the use of any addictive substance as a disease. Why would the government proceed with decriminalization for certain amounts of a certain drug? How they set the amount, Lord only knows. Why would they proceed without a strategy? That is what the Canadian Medical Association is asking.

Senator Carstairs: Honourable senators, it is an interesting question. I think the honourable senator will be extremely surprised when he discovers that, at the same time the legislation is tabled, a drug strategy will also be tabled.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM OF MR. ERNST ZUNDEL—
DEPORTATION FROM UNITED STATES TO CANADA

Hon. David Tkachuk: The federal government has finally issued a national security certificate, and I congratulate them for it, against Ernst Zundel, the well-known Holocaust denier. One unresolved aspect of this case — it has never been explained — is why Mr. Zundel was deported from the United States to Canada in the first place. He is a German citizen and is wanted on hate crime charges in that country. Had he been sent to the appropriate country when he was initially deported, we would have been spared about three months of Mr. Zundel's attack on our refugee system, all at the taxpayers' expense. Has the federal government made any formal inquiry to American authorities as to why he was deported here and not to Germany?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have a difficult enough time keeping up with the activities of the Canadian government without now trying to keep up with the activities of the American government.

Having said that, what is known to date is that Mr. Zundel was on a visitor's visa that was granted when he crossed the border from Canada to the United States. When that visitor's visa expired, he was returned to the entry point from which the visitor's visa had been granted.

FOREIGN AFFAIRS

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, last week, in response to my question on the U.S. missile defence system, the Leader of the Government in the Senate said that Canadian authorities are watching developments and “raising our concerns about the possible weaponization of space.” In that context, has the government studied the United States Department of National Defence news release number 642-02, which states that the missile defence system will take advantage of technological developments, one of which is the development and testing of space-based defences, specifically space-based kinetic energy called “hit-to-kill” interceptors and advanced target tracking satellites, meaning weapons in space, and thus an end to Canada’s policy of no weapons in space if we support the missile defence system?

Hon. Sharon Carstairs (Leader of the Government): As I indicated to the honourable senator last week, the Government of Canada is most concerned about the weaponization of space and is opposed to it. If discussions of any sort take place with the United States, those will be clearly with the proviso that we are opposed to the weaponization of space, but no decision has been made at this point, as the senator knows, as to whether Canada will have further discussions with the United States about the ballistic missile defence system.

Senator Roche: Would the government also examine the text of the report by Donald Rumsfeld shortly before he became the Secretary of Defence, a report entitled: “Commission to Assess United States National Security and Space Management and Organization”? In that report, it is made clear that space is another medium, like land, sea and air, that will be used for war, and that the U.S. must dominate this medium. The report states that the U.S. must develop the capability for “power projection in, from and through space.”

Is the Government of Canada looking at this carefully and will they assure the people of Canada that, if we proceed with missile defence, there will be a guarantee that this will not lead to the weaponization of space? The reports of senior officials — budgetary, management, and those related to fiscal operations — all point in that direction. Canada will be caught in the end and have to face the fact of either maintaining our policy of no weapons in space, or we will give it up.

Senator Carstairs: I would assure the honourable senator that Canada is not giving up its opposition to the weaponization of space and that that continues to be the policy of this government.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST NATIONS GOVERNANCE BILL— OPPOSITION OF ABORIGINAL GROUPS

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Canada’s native groups have expressed a considerable amount of anger over Bill C-7, the proposed First Nations Governance Act. They argue that they were not consulted properly on it and that it will be unfairly imposed on them. Matthew Coon Come, National Chief of the Assembly of First Nations, has said of the bill that it is colonialism, and that there is no place for it in the new millennium.

My question is for the Leader of the Government in the Senate. In order to treat Canada’s Aboriginal peoples with respect and fairness, will the government enter into discussions with native groups to arrive at something more appropriate?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government has conducted consultations with a great many Aboriginal groups during the process of the development of Bill C-7. It is quite clear that the chiefs, led by their National Chief of the Assembly of First Nations, are opposed to this particular piece of proposed legislation. Interestingly enough, when you talk to individuals who live in Aboriginal communities, and in particular to those who live off Aboriginal communities, many indicate support for this legislation.

The question that the honourable senator has raised today is an important one, one that we must delve into further when that bill comes to us. The bill is still in committee in the other place, and it may be some time before it arrives here. However, when it does, clearly, because of our mandate with respect to the protection of minority peoples, we will do a thorough job of studying the bill.

Senator Stratton: I sincerely hope that the study will be thorough and lengthy. I would hate to be forced to move quickly on such a contentious bill.

This bill is also opposed by at least one Liberal leadership candidate. Though former Finance Minister Paul Martin seems to have backed off an earlier statement that he would scrap the bill entirely if he became leader, Mr. Martin did say that the proposed legislation has “severely poisoned the well” in federal Aboriginal relations. Last week, the House committee studying this bill, chaired by a Martin supporter, halted its review and sent the bill back to the House leaders. The chair had declared himself to be both frustrated and exhausted, and I can fully understand why.

Could the Leader of the Government in the Senate tell us if other committees are taking similar direction from Mr. Martin to delay legislation that he does not support?

Senator Carstairs: Honourable senators, I would hope that the agenda of the House of Commons, and indeed of this place, would not become the fodder of election campaigns to choose the next leader of the Liberal Party of Canada. We have a responsibility as legislators to do our job. I am hoping we will do it in the manner in which we have always done our job.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers, the first in response to a question raised in the Senate on March 25, 2003, by the Honourable Senator Comeau, regarding the cost of the Firearms Registry Program; the second in response to a question raised in the Senate on March 27, 2003 by the Honourable Senator Comeau, regarding the cost of the Firearms Registry Program, the legal challenge and the cost to the government.

JUSTICE

COST OF FIREARMS REGISTRY PROGRAM

(Response to question raised by Hon. Gerald J. Comeau on March 25, 2003).

While CFC does not track costs for each of these items specifically, it is estimated that approximately one-third of costs have been spent on registration of firearms and the remainder on licensing and other elements of the program. Cost of spousal notification procedures are also not tracked individually. CFC has reimbursed CCRA approximately \$15.3M to the end of 2002-03 for border control initiatives and system connectivity costs. An implementation evaluation document on the Canadian Firearms Program will be completed in the near future.

FIREARMS CONTROL PROGRAM— LEGAL CHALLENGE—COST TO GOVERNMENT

(Response to question raised by Hon. Gerald J. Comeau on March 27, 2003).

Canada was represented by a legal team composed of Department of Justice litigators before the Supreme Court of Canada in the Reference Respecting the Firearms Act. While there were costs associated to the litigation, no specific tracking code was assigned to costs related to the challenge either by the Department of Justice or by the Canadian Firearms Centre, such that it is not possible to give the Honourable Senator a specific amount of money spent on the Reference.

• (1430)

[English]

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

Hon. Gerald J. Comeau: Honourable senators, most of us in this chamber have probably, at one time or another, filled out a census form. To set the stage for my remarks, I should like to read some comments that have been written on the census form.

The first page of the census form states:

As Canada's national statistics agency, Statistics Canada uses census data for producing statistical tables, analytical reports and for selecting samples or following up responses for some of our surveys. These uses are strictly for statistical purposes and no one outside the agency can have access to your identifiable information.

By law, Statistics Canada must take a census every five years and every household must fill in a census form. Also, by law, Statistics Canada must protect the confidentiality of the personal information you provide. Our employees, including census takers, are personally liable to fines or imprisonment should they break the confidentiality of your information.

This form is signed by Ivan P. Fellegi, Chief Statistician of Canada.

Further down the form, it says, "Confidential when completed."

The last page of the census states:

The law protects what you tell us.

The confidentiality of your census questionnaire is protected by law. All Statistics Canada employees have taken an oath of secrecy. Your personal census information cannot be given to anyone outside Statistics Canada — not the police, not another government department, not another person. This is your right.

Your census questionnaire will be retained in accordance with legislative requirements and will be stored securely.

These statements are made on the census form that I am sure all of us, at one time or another, have completed. This language leaves very little room for interpretation. It promises confidentiality.

Employees of Census Canada are personally liable to fines or imprisonment should they break the confidentiality of your information on this form. The purpose of this bill, Bill S-13, is to break the promise of confidentiality made by our predecessors.

Proponents of the bill argue that those who responded 92 years ago have raised no complaints. There is little doubt that most are probably dead or too old to follow this debate, but it is rather a disrespectful argument to be making.

The Chief Statistician has finally given up the good fight to maintain the confidentiality provisions of the census. This is understandable. The government has tabled a bill to break the promise, and Justice lawyers have reversed their legal advice and now apparently suggest that the confidentiality promise might not stand up in court.

Honourable senators, there are no voters in cemeteries. Therefore, Ministers Allan Rock and Sheila Copps issued a press release in support of breaking the promise. What else could the Chief Statistician do?

Given that reality, the Chief Statistician is trying to salvage whatever he can to maintain some kind of credibility in the census. He hopes that the withholding consent provision that extends confidentiality to 112 years might encourage Canadians to keep faith in the credibility of the census. In my view, he is whistling past the graveyard.

Let me remind senators that the Chief Statistician's concern is not with the impact on our image as parliamentarians breaking our promise; his concern is with the impact that this will have on the integrity of census data.

Similarly, the Privacy Commissioner has problems with this bill but, unlike the Chief Statistician, his concern is not with the negative consequences of broken promises but, rather, the impact on the privacy of Canadians.

It is, therefore, up to this chamber to assess the consequences of breaking our legislative promises to Canadians. We wonder why Canadians do not trust parliamentarians.

Would we not somehow feel violated if our doctor suddenly decided that our private medical files are to be opened to the public? Would we not feel violated if our lawyer started breaking client confidentiality, or priests started breaking the silence of the confessional?

Why should we hold ourselves to a lesser standard of trust than doctors, father confessors and lawyers? Why should we accept that our promise is only as good as the current group sitting here? Why should it be that our promises are not worth the paper on which they are written? Why should that be?

The premise is that your privacy dies with you, but this bill goes way beyond breaking promises made to the dead. In fact, this bill breaks the promises to Canadians who are alive today, because it breaks the promise made to all Canadians living today who have

ever filled out a census return. The bill provides only for withholding consent to future census returns to 112 years. However, even this withholding consent option is worthless if we establish the principles that parliamentarians can break promises at will and simply retroactively break the consent provision in the future.

Lawyers from the Department of Justice are now of the view that the legislated promises of confidentiality might be broken by the courts. This is the same group of lawyers who supported the government position in the Pearson bill that would have taken away citizens' rights to their day in court. It is the very same group of lawyers who joined Allan Rock on an eight-year political vendetta against the former Prime Minister.

Honourable senators, should we roll over and accept their opinion that the courts can break our parliamentary promises? Is this the pitiful excuse we offer for the breach of trust? Are we, as parliamentarians, ready to accept that the judges are so powerful that they can break our word?

Will we say, "The judges made us do it"? I would suggest not.

I read the confidentiality declarations earlier. There is no room for doubt. If Justice lawyers now suggest that the wording in the act was not sufficiently clear, then let us make it so. Let us not hide behind the fear that the courts might misinterpret the meaning of confidentiality and cower under their watchful gaze.

If senators want to break the promise, do not blame the courts. Do it out of conviction.

For those who may not have reviewed the testimony at committee, allow me to quote a few comments made by some experts. I refer first to Mr. George Radwanski, Privacy Commissioner, Office of the Privacy Commissioner of Canada. He said:

This bill, if passed, will violate a promise repeatedly made to Canadians by successive governments and eliminate existing privacy rights retroactively.

For censuses taken after 1918, there is neither ambiguity nor inconsistency. The 1918 Statistics Act stated explicitly that the material would be kept confidential. That prohibition has been repeated in every Statistics Act since.

Breaking the promise of confidentiality made to Canadians could seriously erode public trust in undertakings made by the Government of Canada... If a commitment made in perpetuity can, in fact, be broken after 92 years, what makes 92 years such a magic number? Might a future government, next time, break promises after 50 years or 25 years or 10 years?

In referring to Canadians, he said:

We have always been able to assure them that the government has undertaken to respect of confidentiality of their answers and that Statistics Canada has a very good history of protecting confidential information.

We will not be able to give any more such assurance in the future if this bill, as it is presented, is passed.

If people cannot trust that confidential information will remain confidential they will lie. Wouldn't you? It is common sense.

I believe that privacy will be the defining issue of this decade.

These are statements made by the Privacy Commissioner. Let me refer to Mr. Fellegi, Chief Statistician. He said:

Would I be more comfortable as Chief Statistician if the promise of confidentiality was protected forever? Of course, I would.

The compromise goes as far as I dare to go. No one knows how the public will react. However, what I do know is that trust is a very fragile commodity. This is as far as I dare to go. Am I concerned? Yes, I am.

Honourable senators, I am not making up these remarks. They are all on the record, and you may check them should you choose to do so. It is in the testimony of the committee. These are the professionals. These are the recommendations and comments that they made.

• (1440)

Where will our disregard for privacy end? Which files will be opened next? Will it be student loan applications? Will it be application information for immigration, EI benefits, passports, jobs, firearms or pardons? Where will it end?

The fact that legislation is needed to break the promise is evidence that the promise was, in fact, made. The government needs our approval. To absolve itself from breaking the promise, the government needs Parliament's permission. The government might well be open to libel if it did not have this permission from us.

Honourable senators, I can understand that some may not share my passion for keeping legislative promises. The release of private and confidential information, in their view, may be more important than keeping our word. However, I should like to remind honourable senators that statistical information is only as good as the information that is gathered. I fear that many Canadians, when they become aware of this bill, will provide information as worthless as our promises. If our guarantees are false, can we not expect false responses? I would urge honourable senators to carefully consider the consequences.

It is true that a well-orchestrated lobby has been mounted to seek your support. Little opposition has been shown to this bill. I wonder how the media and Canadians will react when they eventually find out what is at stake here? What will happen when Canadians learn that this is not only breaking a promise made to dead people but also breaking a promise made to the living? Will they accept and forgive?

We can reject this bill and still provide access to legitimate users. A compromise had been made whereby access would be given to families of deceased census respondents and responsible historians. This compromise was rejected by those involved in the process. It was all or nothing. It resulted in this bill.

I would urge all honourable senators to consider seriously what is at stake here and to vote to reject this bill.

On motion of Senator Stratton, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Maria Chaput: Honourable senators, after consultation with Senator Prud'homme, it was agreed that I should speak today. After I speak, the debate will be adjourned in the name of Senator Prud'homme.

Honourable senators, I rise to speak today to Senator Kinsella's Bill S-14, which amends the National Anthem Act to reflect Canada's linguistic duality.

The national anthem has an interesting history that reflects the fascinating character and history of our great country. It began as a poem composed in Quebec by a judge, Adolphe-Basile Routhier, 13 years after Confederation. Later, Calixa Lavallée was commissioned to set the poem to music.

The first version of this moving song was in French. And it was in French that it was sung for the Duke and Duchess of Cornwall, later King George VI and Queen Mary, when they visited Canada in 1901. In 1906, the song was published in English and French.

The English version we know today uses the poetry of Robert Stanley Weir. It was not until 1967, the centennial of Confederation, that Parliament contemplated adopting *O Canada* as the national anthem. In June 1980, some 13 years later, the anthem was unanimously adopted by the House of Commons and the Senate to become the symbol Canadians know today.

On the sheet music for our national anthem, the English words always appear above the French. This is not reflective of the anthem's history or of the dual nature of Canadian society.

[Senator Comeau]

Singing our national anthem should be a time to reflect on our history and our pride in our wonderful country. Much of this pride is due to our linguistic duality and Canada's diverse multicultural society, where conditions are much better than in many other places in the world. All told, we have little reason to complain about our society's complexities, since we live in relative peace.

Some members of this House fear that the Western provinces will not accept the new version of our national anthem. This is not a problem since the new version will be only an option and not an obligation.

As a Franco-Manitoban, I represent the interests of that part of the country. It is true that the majority of people in the Western provinces are primarily English-speaking. However, this does not alter whatsoever Canada's linguistic duality, which must be reflected in Western Canada through our national anthem.

Honourable senators, by having an alternative version in both official languages, we are promoting both official language communities. This proposal represents who we are and what we stand for as senators. The unilingual French and English versions will remain official versions and can always be used.

As a francophone from Western Canada, I would be thrilled to have a bilingual version of our national anthem, as it opens the door to a francophone presence in a mainly English-speaking context.

All Canadians, no matter what their mother tongue, should welcome this new version. By having the option to sing the national anthem in both of Canada's official languages, they will be able to remember the history and pluralistic nature of our society, which makes us so proud.

A national anthem in both official languages will help to dissipate much of the confusion at national events. It is sad to see the Montreal Canadiens stammering a few lines to the national anthem while they try to figure out which official language they should be singing in. Sometimes, at certain events, people have held up cards with the words, so that the Montreal Canadiens knew which language to sing and when.

I trust that the honourable senators who have spoken against this bilingual version of our national anthem will understand that this third version is a new tool for promoting and raising awareness of the linguistic duality of this great and beloved country to which we have pledged allegiance.

Honourable senators, the proposed change will not in any way alter the balance of power in Canada. It will merely provide Canadians who so desire with the opportunity to sing a bilingual version of their national anthem at group events, and by so doing to feel included rather than excluded.

Again, I would point out that the possibility of singing only in English or only in French will still be there. That reality remains. We are, however, offering another choice to those who wish it. Perhaps in so doing so we will be able to contribute to enhancing people's awareness that Canada is a country that takes pride in its two official languages.

On motion of Senator Robichaud, for Senator Prud'homme, debate adjourned.

• (1450)

[English]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Bacon:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- Possible solutions that would balance individual and community interest.

That the Committee report to the Senate no later than June 27, 2003;

And on the motion in amendment of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Keon, that the motion be amended in the first paragraph thereof by replacing the words "Standing Senate Committee on Human Rights" by the words "Standing Senate Committee on Aboriginal Peoples"; and

That the reporting date be no later than March 31, 2004 rather than June 27, 2003.—(Honourable Senator Rossiter).

Hon. Eileen Rossiter: Honourable senators, I rise today to speak to the motion before us that would authorize the Standing Senate Committee on Human Rights to examine and report upon the key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

I concur with the Honourable Senator Kinsella, who stated, on April 1, 2003, that under rule 86(1)(k)(v) of the *Rules of the Senate*, issues relating to marriage and divorce fall within the purview of the Standing Senate Committee on Legal and Constitutional Affairs. Rule 86(1)(q) defines the mandate of the Standing Senate Committee on Aboriginal Peoples, wherein it states that the committee is to deal with issues or matters relating to the Aboriginal peoples of Canada. In light of these mandates, I consider it more appropriate that the Standing Senate Committee on Aboriginal Peoples or the Standing Senate Committee on Legal and Constitutional Affairs undertake this study, if the Senate agrees that it should be undertaken.

The Department of Indian Affairs and Northern Development, in its discussion paper, entitled: "Matrimonial Real Property on Reserve," covers the issues in great depth. In that paper, there is reference to the report of the Royal Commission on Aboriginal Peoples (1997), which states:

There is no prohibition against women owning property through a Certificate of Possession (for the family home). But the cumulative effect of a history of legislation that has excluded women and denied them property and inheritance rights, together with the sexist language embedded in legislation before the 1985 amendments (to the Indian Act), has created a perception that women are not entitled to hold a certificate of possession (for the family home).

All of these legal barriers to equality — and intrusions into fundamental questions affecting First Nations women's identities — interfered with traditional roles of women in governance, their relationship to traditional territories, and their role as conveyors of cultural values and traditions.

The 1985 amendments to the Indian Act were intended to remove the worst aspects of sex-based discrimination in the Act's Indian status and band membership provisions. However, on reinstatement under the 1985 amendments to the Indian Act, many women have reported difficulty in acquiring housing on-reserve and establishing residency on-reserve in their own right.

As the report of the Royal Commission on Aboriginal Peoples (1997) so aptly put it, in their conclusions concerning the position and role of Aboriginal women:

Whether Aboriginal women's concerns related to the Indian Act, health and social services, family violence, fairness and accountability in governance, or the well-being of the family, Aboriginal women are demonstrating courage and resilience in acting to secure the kind of future they

want to see for the generations yet unborn. We heard them speak of the need for governments and other Aboriginal people to acknowledge, recognize and respect their contributions and to find meaningful ways to include all citizens in the task of rebuilding Aboriginal nations.

We see, in these conclusions, that the issues surrounding the subject of on-reserve matrimonial real property are many and complex. For the Government of Canada, gender equality is a key policy value expected to guide the development of all federal policy and legislation. When the area of human rights is considered, I note the discussion paper again:

While some First Nation people expect Charter equality values to be fully applied to First Nation communities, and also endorse notions of gender equality, others have identified problems in applying the Charter and notions of gender equality from the larger Canadian society to a First Nation context.

All this to say, these are serious issues requiring understanding of the very broad context of several distinct legal regimes governing land issues on reserve, as well as First Nation communal traditions and values in relation to properties and family.

The discussion paper states:

The legal situation of First Nation people across the country with respect to real property varies according to the specific legal regime governing land issues in their communities, and the extent to which it affords room for the exercise of First Nation jurisdiction (inherent or delegated) or the adoption or incorporation of provincial family law.

In considering new policies, programs or legislative initiatives, whether federal, provincial or First Nation, in relation to matrimonial real property issues on reserve, there are several important policy considerations, including the following: different reserve land management regimes; the source and scope of law-making — in particular, whether legislative action should be left to First Nations or whether provincial or federal legislation is needed; the impact of other areas of law, for example, wills and estates, marriage and divorce; gender equality concerns; the interests of children; resource and capacity needs of women at the community level; the scope of relationships, from rights of common law couples to Indian status and band-membership considerations; land and housing situations — the availability of housing, as well as allotment processes; legal remedies and alternative dispute resolution; and community, legal and mediation services, to assist in resolving matrimonial real property disputes.

I would strongly advise that now is not the time for us to take this on. In view of Bill C-7, the proposed First Nations Governance Act, which deals with various self-governance issues, including the powers assigned to band councils and

leadership selection, and which sometime in the near future may be before us, and the excellent discussion paper that the Department of Indian Affairs and Northern Development has done, what more can be said? How can we add to it in the short time that is left?

We have women lawyers, judges and elders. I should like to see a group of those people come together and study the issue. I am sure that they could come to a solution that would be more agreeable to everybody than something else imposed from the outside. It is an internal issue. It concerns the people who live there. That is where the decision should be made.

• (1500)

Hon. A. Raynell Andreychuk: I should like to move the adjournment of this debate.

[Translation]

The Hon. the Speaker *pro tempore*: The Honourable Senator Andreychuk moves, seconded by the Honourable Senator Kinsella, that further debate on the motion be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

[English]

An Hon. Senator: No.

The Hon. the Speaker *pro tempore*: All those in favour, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it.

On motion of Senator Andreychuk, debate adjourned.

The Senate adjourned until Thursday, May 15, 2003, at 1:30 p.m.

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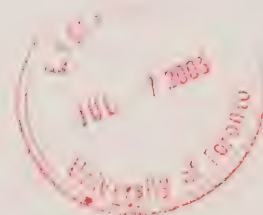
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OFFICIAL REPORT
(HANSARD)

Thursday, May 15, 2003

THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Fernand Robichaud (Deputy Leader of the Government):
Honourable senators, I would ask that the following change be made to the Answers to Order Paper Questions. Tabled, on page 1340 of the English and French versions of the *Debates of the Senate* from Tuesday, May 13, 2003.

Answer No. 121 should be under the heading “Deputy Prime Minister and Minister of Finance” and not “Canada Customs and Revenue Agency—Amendments to the Goods and Services Tax.”

THE SENATE

Thursday, May 15, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL NURSING WEEK

Hon. Joan Cook: Honourable senators, I rise today in recognition of National Nursing Week and, in particular, to pay tribute to the nurse practitioner.

Nursing is a gender-neutral profession. A nurse practitioner is a registered nurse with a post-graduate education. A nurse practitioner provides wellness care, including health screening activities such as performing Pap smears, monitoring infant growth and development, diagnosing and treating minor illnesses such as ear and bladder infections, diagnosing and treating injuries such as sprains and lacerations, screening for the presence of chronic disease such as diabetes and monitoring people with stable chronic disease such as hypertension. A nurse practitioner can order and access the results of lab tests, X-rays and ultrasounds. If and when appropriate, a nurse practitioner can prescribe a range of medication.

The Vital Statistics Act is also being amended to authorize a nurse practitioner to complete and sign medical certificates of death in special circumstances.

In rural nursing, a nurse practitioner is often the only full-time manager of a hospital, which is a huge responsibility. As well as overseeing nursing, he or she is the leader of acute and continuing care. The health and safety inspector chairs meetings, is responsible for the entire operating budget and takes a regular nursing shift, to keep in touch with the needs of staff.

Research proves that the cost of a nurse practitioner is 40 per cent less than that of a physician; as well, a nurse practitioner is a cost-effective investment in preventive care, given his or her expertise and counselling, patient/client education and case management.

The U.S. Department of Health and Human Services reported that the cost of an office visit to see a nurse practitioner ranged from 10 per cent to 40 per cent less than the cost of comparable primary care service provided by a physician.

Employing a nurse practitioner in a managed care environment can save 20 per cent of the cost of primary care. The contribution of a nurse practitioner is continuous, round the clock, seven days a week, in community health centres and clinics, metropolitan teaching hospitals and isolated nursing stations. Nurse practitioners are providing needed care for Canadians.

Honourable senators, nursing is at the heart of our health care system.

Hon. Wilbert J. Keon: Honourable senators, I too rise in recognition of National Nursing Week.

[Translation]

This is an opportunity to raise public awareness of the many contributions nurses make to the health care system and the well-being of Canadians.

[English]

Canadians have the deepest trust in their nurses; nurses are almost always at the top of any polls or lists of most trusted professions, and there is a reason for this. Enter any hospital, clinic, home care agency or any other health care environment on any given day and there will be stories of a nurse who took time out from an impossibly hectic day to comfort, explain, chat with, hold or touch someone. They provide that ever-so-important human touch.

As nurses move along the continuum of experience and education, they acquire additional competencies that are incorporated into practice. This enables nurses to contribute to the health care system in new ways, including expanding roles for nurse practitioners, working in primary health care settings and so on.

We have recently seen these professionals at work during the SARS outbreak. We know that they are capable of doing great things with great dedication. On the other hand, there is a glaring shortage of nurses. The Canadian Nurses Association estimates that registered nurses work a quarter of a million hours of overtime every week, the equivalent of 7,000 full-time jobs every year.

The physical and mental strain of overload brings an astonishing level of injury, illness and burnout. In any given week, more than 13,000 registered nurses, or 7.4 per cent of all RNs, are absent from work because of injury, illness, burnout or disability.

If honourable senators will recall, the Standing Senate Committee on Social Affairs, Science and Technology recommended that the federal government work with other concerned parties to create a permanent national coordinating committee for health and human resources to be composed of representative key stakeholders and groups of different levels of government. The committee also recommended that the federal government undertake a number of specific initiatives designed to increase the supply of health care professionals, including nurses.

A study conducted for the Canadian Nurses Association indicated that the country would fall short about 78,000 RNs by 2011 and that this shortfall could reach 113,000 by 2016. The study reached these conclusions despite relatively optimistic assumptions with regard to the number of nursing graduates that can be anticipated in the coming five years. The report estimates that the output from Canada's nursing schools is expected to grow from 4,500 graduates in the year 2000 to more than 9,000 per annum by 2007. Everything points to an increase in the number of nurse graduates.

• (1340)

The committee recommended that the federal government phase-in funding over the next five years so that by 2008 there will be 12,000 graduates from nursing programs across the country, and that the federal government continue to provide full additional funding to the provinces —

The Hon. the Speaker: Senator Keon, I am sorry to interrupt, but your three minutes are up.

BRITISH COLUMBIA

VANCOUVER—DRUG ABUSE IN DOWNTOWN EAST SIDE

Hon. Gerry St. Germain: Honourable senators, Vancouver is one of the great cities of the world. Like many big cities, though, Vancouver suffers its share of social ills. Unfortunately, many of the social problems are concentrated in the downtown east side where poor planning decisions and misguided policies have created a ghetto.

I know the area well. More than 30 years ago, I walked the beat of the 100-block East Hastings Street as a proud member of the Vancouver Police Department. Over the years, due to the deteriorating morals and misguided decisions of Liberal governments, like the Charter of Rights, the drug culture in this area has grown to enormous proportions.

In recent years, this neighbourhood has been largely under siege by criminals who have disrupted public order and made it impossible for a normal lifestyle to be enjoyed by those who live and work there. Some are now advocating a four-part strategy to deal with these problems, all aimed at combating drug abuse. Unfortunately, those who would advocate a total integration of a drug culture into our society have been successful in focusing efforts on only one part of that strategy, the so-called harm reduction. They advocate harm reduction in the form of supervised injection facilities that would permit IV drug users to continue their habit in a legally sanctioned and state-operated facility.

Like so many others, I remain skeptical and fearful of this plan, wondering how facilitating drug use can be termed harm reduction for addicts. How is this compassion?

Nevertheless, the government opposite is working with local officials to pave the way for this supervised injection facility to open under strict terms as a supposed medical experiment, but the

advocates of a drug culture are hijacking this plan, flagrantly disobeying existing drug laws and city bylaws. They have illegally opened a shooting gallery for drug addicts, further creating public disorder in this neighbourhood.

Meanwhile, the Vancouver Police Department, under the capable leadership of Chief Constable Jamie Graham, has launched a new enforcement strategy aimed at regaining control of the streets and bringing public order to the area. Chief Graham has reminded us that his job is to enforce, not just some laws but all laws. The chief understands that effective policing contributes to public order, a linchpin of civil society. I urge Chief Graham to stick to his enforcement plan and not to yield to political interference. I urge him to bring a halt to the illegal activities of the renegades by shutting down the drug shooting gallery that opened on Carrall Street.

Honourable senators, if we are to be successful in helping the drug addicts, we must follow a plan that is based on order and discipline. We must seek a solution. There is no compassion for people in creating further disorder in Vancouver's downtown east side.

[Later]

Hon. Pierre Claude Nolin: Honourable senators, I wish to make a comment in response to the remarks of Senator St. Germain regarding safe injection sites.

[Translation]

Supervised injection sites have not sprung up spontaneously, but after a long process of assessment along with negotiations between stakeholders in government, the social and medical professions and others at various levels. The suggestion that this experiment ought not to be allowed in Montreal, Quebec City, Toronto and Vancouver would most definitely be a step backward. I know from my brief experience with them that the alternative to supervised injection sites is the streets of Vancouver.

There are already shooting galleries, but they are unsheltered and absolutely filthy. Supervised injection sites offer hygienic conditions to people who are going to inject themselves with harmful substances regardless, so why not help them? This is what the supervised injection site project proposes. I beg of you then not to heed the reactionary temptations sometimes available to us.

[English]

THE LATE DOCTOR JOHN SAVAGE, O.C.

TRIBUTE

Hon. Catherine S. Callbeck: Honourable senators, unfortunately, I was unable to participate in the tributes to John Savage yesterday. However, I would like to rise in honour of the former Premier of Nova Scotia who passed away after a long and heroic battle with cancer. I feel very privileged to have known and have worked with John. He was a principled, humorous and generous person. John's political life was a testament to public service and political courage.

John's political career began early. While studying medicine at Queen's University in Belfast, he was elected student union president. He was very proud of this accomplishment, as he was the first Catholic, a Welsh born one at that, to win the student union presidency of this Protestant school.

Later, after moving to Canada, he became a member of the school board in Dartmouth, then became Mayor of Dartmouth and finally became premier. He was determined to make Nova Scotia a better place.

It was during those years that I got to know and to work with John. He put forth a very ambitious agenda in Nova Scotia and pursued it aggressively as premier. During his term, John managed to balance the province's budget. This was no easy task, as they were facing a \$617 million deficit.

However, John was much more than a politician. He was a dedicated father of seven children, a grandfather of eight, and the loving husband of his wife, Margaret, who, I am sad to say, passed away earlier this year. He was a devoted physician and, above all, he was a humanitarian. There are numerous examples of this, but I will mention only a few.

John helped to establish a free clinic in a disadvantaged community near Halifax. He ran a drug detox centre. He established daycares. He promoted the importance of literacy and, after leaving politics, he went to Africa to try to improve the health and education of African people as well as to provide AIDS education to the youth.

For this work, the Nova Scotia Red Cross Society named him Humanitarian of the Year. He was also a recipient of the Order of Nova Scotia, and only three days before his passing, he was named an Officer of the Order of Canada.

John's dedication to others was evident even in his final days. Last month, only weeks after losing his wife to cancer and finding out that he himself was going into palliative care, he took the time to talk to reporters about the importance of palliative care. As one journalist from the Halifax *Daily News* said, "This is vintage John Savage: turning the spotlight away from himself and onto other people."

My thoughts and condolences go out to his family and friends. John will be greatly missed, not only by his children but by all the people whose lives he touched.

MENTAL HEALTH WEEK

Hon. Yves Morin: Honourable senators, according to the World Health Organization, the stigma and discrimination experienced by people with a mental illness can be more destructive than the disease itself. It has a detrimental effect on recovery, on the ability to find access to services and on the level of support received in the community.

[Translation]

Twenty per cent of Canadians will suffer from some form of mental illness at some point in their lives. The consequences of

this on the individual and his or her family members are truly devastating. From the economic point of view, mental illness costs the country over \$14 billion each year.

[English]

Changing our attitudes could help reduce these costs.

The Canadian Mental Health Association has declared this week Mental Health Week. This year's theme is "Respect, Don't Reject: If you have a brain, you can have mental illness." It is a call for each of us to re-examine our assumptions and put an end to the shame and discrimination against people with a mental illness.

As honourable senators know, my colleagues and I on the Standing Senate Committee on Social Affairs, Science and Technology are conducting a study on mental health and mental illness in Canada. Our goal is to develop a national action plan that will serve the needs of people with mental illness. Action plans are important but are not enough. We need solid research to better understand how to prevent and treat mental illness. The Institute of Neurosciences, Mental Health and Addiction of the Canadian Institutes of Health Research, under the able leadership of its scientific director, Dr. Rémi Quirion, is supporting research to improve outcomes for people suffering from mental illness.

For example, Dr. Ashok Malla, of Montreal's Douglas Hospital Research Centre, is evaluating the effects of early intervention on people with schizophrenia, while Dr. Neil Rector, from Toronto's Centre for Addiction and Mental Health, is looking for the best way to treat and prevent relapses in people with obsessive compulsive disorder.

[Translation]

Honourable senators, along with the importance of research in the battle against the scourge of mental illness, it is equally crucial to treat patients with respect, tact and dignity.

• (1350)

[English]

ROUTINE PROCEEDINGS

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

Hon. Joseph A. Day presented Bill S-20, to amend the Copyright Act.

Bill read first time.

[Senator Callbeck]

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE OF
NATO PARLIAMENTARY ASSEMBLY, APRIL 5, 2003—
REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table the report of the Canadian delegation of the Canadian NATO Parliamentary Association on the Standing Committee Meeting held in Paris, France, on April 5, 2003.

JOINT MEETING OF NATO PARLIAMENTARY
ASSEMBLY DEFENCE AND SECURITY, POLITICAL
AND SCIENCE AND TECHNOLOGY COMMITTEES,
APRIL 10-11, 2003—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table the report of the Canadian delegation of the Canadian NATO Parliamentary Association on the joint meeting of the Defence and Security Committee, the Political Committee and the Science and Technology Committee, held in St. Petersburg, Russia, on April 10 and 11, 2003.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

UNITED STATES—
NEGOTIATIONS ON MISSILE DEFENCE PROGRAM—
INVOLVEMENT OF PARLIAMENT

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, the Prime Minister gave the go-ahead for negotiations with the U.S. on Canada's participation in the missile defence program. How long are these negotiations expected to take, and when will we hear about a final decision? Will Parliament be given an opportunity to debate and approve any decision taken on this matter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am surprised by the information the honourable senator has brought forward. I am not aware that the Prime Minister did give the go-ahead for such negotiations.

Senator Atkins: Honourable senators, it is our indication that he has.

Nevertheless, the second part of the question is this: If the Prime Minister does agree to negotiations, will Parliament be given the opportunity to debate the issue before any agreement is made?

Senator Carstairs: Honourable senators, I am genuinely shocked by the honourable senator's original statement. It is my understanding that the final determination as to whether we will even enter discussions has not been made. That is all I can tell the honourable senator at this point.

Clearly, if discussions are entered into, there will be opportunities for parliamentarians to debate, once discussions enter the negotiation stage and before any final agreement is reached.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
OPERATIONAL REQUIREMENTS

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. My question has to do with a long-running misunderstanding of terms and terminology that seems to exist between the learned lady and myself.

My question is this: I would ask the minister to stay somewhat focused. Can she tell this chamber the difference between the Statement of Operational Requirement and the requirement specifications for the maritime helicopter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Statement of Operational Requirement is that which was determined to be in the best interests of the Government of Canada and the people of Canada, in terms of defence requirements.

The Statement of Operational Requirement, as I have indicated over and over again, is based on military analysis, extensive statistical research and realistic force-planning scenarios based on actual Canadian Forces operations.

I can elaborate slightly, if the honourable senator wishes, to say that the authors of the Statement of Operational Requirement reviewed all the changes that were made and discussed with respect to the technical specifications. They found that changes were made only when they conformed to the integrity and the intent of the Statement of Operational Requirement.

Senator Forrestall: Honourable senators, I hope the CDS does not have to read that. I do not think even he would understand it.

Honourable senators, the Statement of Operational Requirement is a broad-based scenario document that outlines the various types of missions the maritime helicopter should be required to perform. It is not a contracting document. The Basic Vehicle Requirement Specifications, now renamed "Maritime Helicopter Requirements Specification," according to the government documents — perhaps I should have sent them over to the honourable senator — is a document that competitors must match in their bids; it is required for contracting.

• (1400)

Would the Leader of the Government read, on page 7 of 10, number 7.1.2 of the Government of Canada's maritime helicopter request for proposal document, Vol. 1, entitled, General Instructions to Bidders? Perhaps I should do it, as I have a copy here in my hand.

7.1 Pre-Qualification (PQ)

7.1.1 Only those MH potential prime contractors, which have successfully completed the PQ process pertaining to this RFP, may submit proposals in response to this RFP.

7.1.2 The PQ process relates to compliance of the Bidder's proposed MH Acquisition with the MHRS.

It is now a tendering document.

I would ask the minister to refresh her memory with respect to that. I have done the research. The phrase "Statement of Operational Requirement" is not mentioned once in that entire document, although it was the basis for everything. That is the contracting document.

Will the minister now confirm that the pre-qualification bid of a company will be based on Maritime Helicopter Requirements Specification, and not the SOR?

In addition, will the minister confirm that we are now on the seventh revision of the Basic Vehicle Maritime Helicopter Requirements Specifications since the government moved forward with the program in August of 2000?

Senator Carstairs: I hope I can shed a little light on this for honourable senators.

Let me be specific. The honourable senator makes reference to the Maritime Helicopter Requirements Specification, or MHRS. He is quite right; these are the detailed, technical specifications for the Maritime Helicopter Project. However, they continue to be governed by the principles established in the Statement of Operational Requirement. The Statement of Operational Requirement came first. The technical specifications came later. The technical specifications were the result of an unprecedented level of open and transparent dialogue with industry and stakeholders, including all of the discussion and debate taking place on the Web site from which the honourable senator gets some of his information. That is how open and transparent it was.

The authors of the Statement of Operational Requirement reviewed all of the changes that were made to the technical specifications, and they found that changes had only been made to the technical specifications when they conformed with the integrity and the intent of the Statement of Operational Requirement.

Senator Forrestall: Honourable senators, the maritime helicopter Statement of Operational Requirement was released in 1999. This is the year of Our Lord 2003. Since that time, the requirement specifications have changed. The honourable senator

agrees with that. They have changed, I suggest, repeatedly, to reduce weight, cabin space, endurance and safety — safety! — simply to allow a smaller, less capable helicopter to compete in the competition. The government posts these facts — the detailed specifications and their changes — over the Internet. Can the minister confirm that?

Will she confirm for us, before we go home for the summer, that there is only one aircraft better capable of meeting low-cost compliance — not best value for the Canadian taxpayers' dollar, but lowest cost, with no criteria other than these doctored criteria that have been brought forward over the last three or four years? Will she admit that no other — not Cormorant, not Sikorsky — than the Eurocopter or its American version, with some transfer of technology, will meet that low-cost requirement because of the basic difference in the size, weight, capability, endurance, all of the things that have been changed because of this?

Senator Carstairs: No, honourable senators, I will not admit to what the honourable senators would like me to admit to, because, in my view, he is wrong.

Senator Forrestall: I may be wrong. God knows, unlike the honourable senator opposite, I am not infallible. I suggest to her that I am not wrong, and I suggest to her that the Cormorant, as she inferred yesterday, is no pet project of mine. The government has so skewered this mess that, up until several days ago, the Cormorant was the only plane that met, using her words, the SOR. It was the only plane that met the SOR and it certainly could meet the changed requirements. The honourable senator may be right and I may be right.

Would she give us some indication of how she will respond to the motion introduced yesterday by my colleague, the Leader of the Opposition?

Senator Carstairs: Since the matter is not yet before the Senate, I will not give any indication of what the response will be. When the motion is put, I can assure the honourable senator that I will give a response.

INDUSTRY

WORLD WIDE WEB—ENFORCEMENT AGAINST SPAM

Hon. Donald H. Oliver: My question is for the Leader of the Government in the Senate. It relates to spam.

Spam is basically unsolicited e-mail advertising. It has grown beyond being a minor annoyance to a full-blown problem. It now accounts for half of all e-mail traffic, and that percentage is growing. A third of all spam is misleading. Virtually all of it is sent with a forged return address.

A fifth of all spam is pornographic, often coming unfiltered to the mailboxes of children. It saps productivity as employees sort out their business mail from their spam. The costs are borne by the receiver, who must pay bandwidth charges and connection time. There is now even text-messaging spam, at considerable cost to cell phone owners.

Several American states are taking legislative action against spam and spammers. The Virginia legislature, for example, has just passed a law to make spamming a criminal offence that carries a prison term of up to five years. Several bills have been or are about to be introduced in the United States Congress to fight the problem.

A few years ago, Industry Canada took the position that legislation was not needed to deal with spam. In light of the fact that this is costly, and it is a bad problem and getting worse, what will the government do about introducing anti-spam legislation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I certainly agree with the honourable senator with respect to spam. Vis-à-vis my office, his information is certainly accurate, judging by the amount of unsolicited e-mails that I get about products that I would never use under any circumstances, and even about products that, quite frankly, are totally inappropriate to my gender.

What the honourable senator has raised this afternoon is an increasing problem. I am particularly concerned with the issue that, in many families, the e-mails are opened by the first person who gets to the computer. I do not think we should allow that type of information to be made available.

I have raised this with the Minister of Industry. I know that he is looking into this situation. I have to tell the honourable senator that, at this time, I am not aware of plans going forward with regard to specific legislation. However, I shall again raise the matter with the Minister of Industry and indicate that there is support for some control of spam, from both sides of this chamber.

• (1410)

Senator Oliver: I thank the minister for her answer. She should know that the *Ottawa Sun*, on April 26, reported policy analyst Gerard Desroches of Industry Canada as saying that there is not much of an appetite for new legislation but that there is support for enforcing existing privacy and competition laws in ways that would target much of the spam that exists.

Could the Leader of the Government please advise the Senate as to what steps the government has taken or is planning to take to enforce existing privacy and competition laws in ways that would specifically target spam?

Senator Carstairs: Honourable senators, I must take that question as notice because, while I would like the government to use all the tools at its disposal, the spam issue is not as easy to address as some may think, in terms of using existing regulations. I will ask the department to provide information on the avenues they are examining at this point. I would still reinforce the notion that legislation may be, finally, the only way to address this serious problem.

HUMAN RESOURCES DEVELOPMENT

PLIGHT OF HOMELESS— DEVELOPMENT OF CENTRAL DATA BASE

Hon. Brenda M. Robertson: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the federal government's response to the plight of the homeless in our country.

Currently, the federal government can only estimate how many homeless people there are in Canada and can only guess as to the main reason why people become homeless, whether it is poverty, drug addiction or other causes.

Any progress made against this problem is difficult to gauge because the federal government does not have national targets against which to measure a project's success or failure according to the National Secretariat on Homelessness.

Is the government working on setting national standards or targets for projects concerning the homeless?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, before I address that question, I did inquire on behalf of both of us with respect to the scanner in the Toronto airport. My understanding is that it is up and operational.

In terms of the plight of the homeless, as the honourable senator knows, there is a Supporting Community Partnership Initiatives or SCPI program. This program is not carried out by the federal government alone. It is always done in partnership with provincial governments and municipalities because that is the only way that we can adequately address the needs of the homeless. Therefore, the federal government cannot impose standards. Because of issues of constitutionality, the contributing partners must work together to create standards.

Senator Robertson: Honourable senators, I understand the complexity of that particular issue. However, it is difficult to measure any program unless the yardsticks are developed in the planning stages.

Honourable senators, it has taken the Department of Human Resources Development seven years and \$1.3 million to create a national homeless information tracking system, which is still not operational. It is not expected to be operational for the next two or three years. Many shelters across the country, such as Ottawa's mission, do not want to use the new system because it contains too many bugs and limitations. Those that do are not sending the information they collect to the central database because the rules for doing so have still not been worked out and also because of privacy concerns.

It is really a very serious problem because there is no way of collecting or measuring what we are doing. Could the Leader of the Government tell us what the government is doing to fix the problems related even to the database?

Senator Carstairs: Honourable senators, the honourable senator has identified a significant problem. However, as she well knows, any database is only as good as the information that goes into it. There is great reluctance on the part of some of the partners with respect to the homeless initiative to feed in that correct information. That is in part because of privacy issues, as the honourable senator has identified, and those are obviously issues of great concern. Human Resources Development is working on this problem. Meanwhile, under the Minister of Labour, the Honourable Claudette Bradshaw, a number of pilot projects are going on across the country to provide better services.

I would caution all senators that one cannot put a straitjacket on a homelessness initiative. As the honourable senator has clearly identified, those involved with homelessness come to it from very different perspectives. Those who are homeless because of problems with addiction need to be treated quite differently from families who are homeless because of inadequate low-cost housing. The needs are different and the programs must also be different.

Senator Robertson: Honourable senators, I certainly understand the issues that the honourable senator has raised. There is still no excuse for not having some measurement to help us determine whether the programs are useful. We really do not know that. Municipalities and the people of our country would like to know what is happening.

The minister tells us that there are pilot projects. What are the expectations for the pilot projects? We simply do not put money on the street. We have to say that this is what we want to do and then measure how much was accomplished, compared to what we set out to do. Thus far, there seems to be no effort, nothing that we can find, to indicate that consideration has been given to the normal practices of prioritizing and measuring the expectations and final measurements of social programs. That is a concern to a number of us.

Senator Carstairs: Honourable senators, it is my understanding that each project that is approved for funding by the federal government does have a set of objectives. Those objectives are measured before any other additional funding is given to projects. If the honourable senator is talking about an across-the-board set of objectives, I will raise that concern with the appropriate ministers. In this case, there are two ministers involved because some answers come from Human Resources Development, some come from the Department of Labour. I would also ask the honourable senator to understand the need for flexibility in these initiatives.

Senator Robertson: Honourable senators, of course, there is a need for flexibility. However, could the minister provide to us the information that she has alluded to on these projects? If there is printed data identifying and measuring the projects, could we have that information?

Senator Carstairs: Honourable senators, I will put that question to the respective ministries this afternoon.

JUSTICE

LEGISLATION TO CREATE NATIONAL SEX OFFENDER REGISTRY

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. These are always difficult questions and no one particularly likes to ask them. After the tragic murder of 10-year-old Holly Jones in the Toronto area, the effectiveness of the government's national registries is again in question. Since 1993, there have been discussions of a national sex offender registry. We still have seen little development.

There is only so much that parents and communities can do in terms of education to protect their children. All of us can agree that the federal government has the power and scope to make a successful and valuable registry for police and justice officials. Can the Leader of the Government in the Senate tell this chamber why legislation introduced by the Solicitor General in December, nearly six months ago, is still in committee and has made so little progress?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as indicated, legislation is in progress; it is called Bill C-23. Second reading was only concluded in the other place on April 8, 2003. Committee study was delayed because the committee already had another piece of legislation to consider; that is something we understand well in this chamber. Study of the bill will begin in the House of Commons Justice and Human Rights Committee with the appearance of the Minister of Justice on May 29, 2003. Hopefully, consideration of the bill will proceed quickly.

• (1420)

I do not want to feed unrealistic expectations. The Holly Jones case, which involves the horrible murder of a 10-year-old in the city of Toronto, was already subject to the Ontario list. Unfortunately, that list does not seem to have been as effective as it may have been since the police feel that the perpetrator may well have been someone on their list.

I believe in a national registry because people do not stay in one province. They move from place to place, including the territories. That is the value of having a national registry. However, I also do not want to build any false hopes about the success of such a registry.

Senator Stratton: Honourable senators, it is true that the Ontario registry registers only problem people in Ontario. People from outside the province can move to Ontario, and they are not registered. They are not known. That is the problem, which is why there is a requirement for a national registry. If we do not have such a registry, then obviously sex offenders will travel to other provinces to continue their crimes. My concern, and the concern of everyone, is that this individual has not been caught and that there may be another event.

I understand that the minister is not making any promises. At this time of year, certain bills creep to the top of the agenda. The government places emphasis on what are called must-have bills. Surely to goodness, this would be one bill that would climb to the top very quickly. I would ask the Leader of the Government to take that message to her cabinet and please ensure that it receives top priority.

Senator Carstairs: I thank the honourable senator for that because then I am assured that, should the bill come here, we will deal with it quickly with the full support of the opposition.

It should be remembered that any convicted sex offender is on the Canadian Police Information Centre system. It is not that a convicted sex offender would not be known in Ontario. Indeed, such an offender could be known in Ontario through the system that is presently in place.

CITIZENSHIP AND IMMIGRATION

OVERHAUL OF IMMIGRATION AND REFUGEE BOARD

Hon. Consiglio Di Nino: Honourable senators, Citizenship and Immigration Minister Denis Coderre has recently proposed overhauling Canada's Immigration and Refugee Board. Among the changes being considered is replacing the board with a review process conducted by civil servants from the department. Under these changes, instead of having a hearing before an independent tribunal, refugees would be interviewed by civil servants who would have the power to accept or reject a claim.

All honourable senators are aware of the serious problems facing the Department of Citizenship and Immigration. Something is clearly needed to improve the situation. However, it is imperative to keep the system at arm's length from the government.

Can the Leader of the Government in the Senate assure this chamber and Canadians that those seeking sanctuary or a new home in Canada will continue to be treated in the same independent, at arm's length manner afforded them under the current system?

Hon. Sharon Carstairs (Leader of the Government): I have a simple answer to the honourable senator's question: Yes.

Senator Di Nino: I appreciate that response. Could the minister tell us if the government is considering other changes to the Immigration and Refugee Board that may compromise the integrity of the system?

Senator Carstairs: Again, a simple answer: No.

THE SENATE

WORLD HEALTH ORGANIZATION—NOTICE OF MOTION REQUESTING GOVERNMENT SUPPORT FOR TAIWAN'S REQUEST FOR OBSERVER STATUS

Leave having been given to revert to Notices of Motions:

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization.

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to introduce a page from the House of Commons. She is Miriam Kimpton, from Ottawa, who is studying in the Faculty of Arts at the University of Ottawa. She is taking an honours degree in French Literature. Welcome to the Senate of Canada.

[English]

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

Hon. Terry Stratton: As honourable senators have spoken in this chamber with respect to this bill, they seem to have spoken in terms of today. They say "today this" and "today that." They do not go back in time, and that is the curious part about this debate. Perhaps they did so in committee. I was not there and am therefore not certain. However, in listening to this debate, I question why no speeches were made with respect to that element in time, back then, to put it in a historical perspective.

The 1906 census, as someone has said, was conducted when the West joined Confederation — that is, Alberta, Saskatchewan and British Columbia. Why did the government decide that that census should remain confidential? It is a curious question. Why this one, when those before were not? It begs the notion that, perhaps, it was there to encourage people to come forward rather than not come forward. That is not to say that the West was wild or unlawful, but there would have been a degree of that attitude there. Perhaps that was the reason. The historical perspective was not mentioned, at least from what I have heard, and I wanted to comment on that particular census.

I also want to congratulate Senator Milne on her speech. One does not have to read the bill after reading the honourable senator's speech because it was so clear and straightforward.

I would like to go next to the 1918 and 1921 censuses. Senator Milne talks in her speech about John Manley, when he was Minister of Industry, appointing an expert panel to study the issue and report to him. The conclusions of the expert panel were straightforward. The panel, which was led by former Senator Lorna Marsden and former Supreme Court Justice Gerard La Forest, found that there was no legal impediment to the release of census records prior to 1918. In 1918, however, the Census Act itself was amended to include the same confidentiality provisions as had been included in the earlier regulations governing the 1906 through 1916 censuses.

• (1430)

She then goes on to say the following:

Although there was no mention of the National Archives in the 1918 act itself, the regulations governing the 1921 and all subsequent censuses, which had and still have the force of law, all made specific reference to the fact that the nominal census returns would be turned over to the Archives of the Dominion.

The expert panel concluded that the placing of this reference in the regulations, rather than in the bill, was not a specific policy choice but an oversight.

To put this in perspective, let us go back to 1918; to 1921. What occurred in that time frame? What was the mood of the nation during those years? We are talking about the end of the First World War. We would expect everyone in the country to have had concerns over privacy and over information getting into the wrong hands. That was the mentality back then. That would have been foremost in their minds, one would think, at the time this was done. It was done for good and valid reasons, at the time.

To put this in perspective even further, consider for a moment the SARS environment that we have been living through recently. Had the situation deteriorated further, there would have been a mentality of closing oneself in, of withdrawing from the world and protecting one's family and oneself.

Let us consider the flu epidemic of 1918. It took 20 million to 30 million lives. The same kind of mentality would have been prevalent at that time, thus giving this a historical perspective as to why they may have done this.

For those reasons, honourable senators should respect the position taken at that time.

One cannot go back, as I have said before, for example, with respect to Senator Chalifoux's bill on Louis Riel; one cannot remake history. It is not possible to recreate and to pretend that what happened back then in its historical context should be changed. History cannot be changed. The attitudes of the people from that time were what they were. I am convinced that confidentiality was important at that time, and that it was important for the reasons I cited above. We should pay respect to that mentality, to that way of thinking, and thereby should not go there out of respect.

On February 11, 2003, as reported at page 803 of the *Debates of the Senate*, Senator Milne said the following:

In November 2001, Statistics Canada announced further public consultations by way of focus groups and town hall meetings. The goal was to measure the reaction that Canadians would have to the release of these census records. After a lot of study and hundreds of submissions, Statistics Canada was able to conclude sometime this past summer that post-1901 censuses could be released.

It is almost as if the government is governing by polls. That is not the way to make legislation. In making legislation, it is important to consider the historical perspective of that time. We must remember that.

Senator Milne continued:

I turn, then, to the limits that are being placed on access under this bill. I freely admit that I have struggled long and hard over what is set out here, and I have come to the conclusion that the temporary limits are justified. One simply cannot ignore the fact that, in 1918, the federal government wrote privacy provisions into the Statistics Act; nor can we ignore the fact that all of the regulations governing the 1911 and 1916 census had the force of law. Those regulations mentioned both the release to the Archives of the Dominion and the need for privacy. Privacy rights are real rights and it would be totally improper for the federal government to disregard them.

Again, the historical perspective is virtually ignored. These provisions were put into law and were reinforced: Do not go there. We should respect that.

Senator Milne continued:

The principles governing the release of future censuses are, I believe, equally sound. Starting with the next census in 2006, Canadians will have the opportunity to decide for themselves whether their census returns will be turned over to the National Archives. If they decide that they do not want their information ever to be made public, it will not be disclosed.

Why is that all right for today and tomorrow, but not all right for the past? Tell me. Why is it all right for today and tomorrow but not all right for the past? We should respect that past and the context in which Canadians made those decisions.

I wish to quote Senator Murray briefly, from page 807 of the same date:

Against that, Senator Milne and others have argued that there is a provision stating that the material should be sent to the archivist. Yes, there is; and, yes, there is an apparent conflict. However, we must bear in mind that this data has not been released before now and the government feels it is necessary to bring in the bill because the Department of

Justice interpreted those regulations and that law in a certain way until fairly recently, when they have done a 360 degree flip-flop on the issue. I suppose that lawyers in the Department of Justice have a right to change their minds just like anyone else.

That begs the question: What are we doing here? Is the government governing by polling or is it governing by the historical perspective under which these laws were put in place?

Senator Murray continued:

There was also the question of whether these regulations from the past and from the 1918 and subsequent legislative provisions were trumped by the 1983 Privacy Act, which provides for disclosure of government information after 92 years. Senator Milne and others argued that the Privacy Act trumped it. As a layman, I would have thought that if the Privacy Act were to trump existing legislation, it would say so. Notwithstanding the information in this or that other statute, this is the disclosure regime that would apply.

Therefore, I shall close by saying that, while I can appreciate the information as being valuable to certain people, there is also an act of respect that we are missing here to those who have gone before.

This chamber exists to respect the minorities and, in this case, those who are not here, those who cannot speak for themselves. I believe we owe it to them to speak in that historical perspective and to try to understand from whence they came and why they made decisions they did at that time. It is important for us to never forget that in this chamber.

On motion of Senator Kinsella, debate adjourned.

• (1440)

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Bill C-15, to amend the Lobbyists Registration Act, with an amendment) presented in the Senate on May 14, 2003.

Hon. Lorna Milne moved the adoption of the report.

She said: Honourable senators, I rise this afternoon to ask that all senators support the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament concerning Bill C-15.

Your committee is recommending one amendment, and I should like to take a few minutes to explain it. To do so, however, I need to make a couple of comments about the bill generally.

The purpose of Bill C-15 is to even the playing field among all groups of lobbyists and to make it easier to prosecute those who lobby the government but fail to register their activities. Bill C-15 groups the lobbyists into two broad categories: in-house and consultant. There are two registration schemes, one for each kind of lobbyist, and the schemes reflect the difference between the two types. By and large, though, the schemes are the same and demand that anyone who accepts money to lobby the government must register and that anyone who works for a company and spends more than 20 per cent of their time lobbying must register.

In the other place, the member for Ancaster-Dundas-Flamborough-Aldershot, John Bryden, sought to expand the information that a lobbyist needs to provide when registering to include a list of all former public offices held by that lobbyist. Such an amendment would roughly show the areas of expertise of the lobbyist and where that person might draw on past contacts to enhance his or her lobbying activities.

Accordingly, the member there proposed an amendment to section 7 of the Lobbyist Registration Act that would force in-house lobbyists to declare all public offices that they have held during their careers.

That amendment carried; however, unfortunately, it only covered in-house lobbyists and not consultant lobbyists. It was immediately apparent to your committee that the bill produced a situation where the two kinds of lobbyists are treated differently without any policy basis for so doing. If it is proper for in-house lobbyists to disclose former employment within the public sector, surely it would be proper for consultant lobbyists to do the same. Therefore, your committee chose to propose an amendment to the bill that would close this gaping hole in the legislation by adding the same disclosure requirements to section 5 of the Lobbyists Registration Act, which covers consultant lobbyists.

Honourable senators, I do not wish to leave you with the impression that this was the only issue that concerned members of the committee. It is my understanding that you may hear some of the other concerns at third reading debate.

Honourable senators also took the opportunity in committee to discuss the code of conduct for lobbyists. There was significant discussion on whether it would be appropriate to codify the rules in order to give them the force of law. That discussion foreshadows one that we will be having on the code of conduct for senators. I believe this will be an ongoing debate for many years, as lobbyists, public officers-holders and perhaps even senators learn to operate under new codes of conduct that will govern public life.

The other key issue that was discussed at length was the question of where lobbying begins. Where is the line? More specifically, the government has chosen to require lobbyists to register whenever a person receives money in order to speak to public office-holders unless the communication is purely for the purpose of gaining information. The obvious question then arises: What is information? As some lobbyists told us, most of lobbying work consists of getting the right information from and to the right people. That is how the system works.

The government has proposed that the responsible minister and the commissioner that administers the lobbyist registration system be permitted to define information through regulation and through regular bulletins. Similar systems are already used by the Canada Customs and Revenue Agency in its administration of the tax code. It was the government's view that until it has substantial practice in this area it would be best to keep the line easily movable before setting up a more concrete framework.

In regard to this matter, I would remind honourable senators that this bill provides for a mandatory review every five years, so the issue will not be lost. In this debate, I was reminded of the words of the Supreme Court of Canada in dealing with obscenity cases. No one can write a definition of obscenity, but everyone knows it when they see it.

It is hoped that with practice the government will establish a working definition of information that effectively draws a line that will allow information gathering without registration but still forces registration for those who use that information for lobbying purposes.

Honourable senators, your committee has chosen not to make any recommendation on this issue at this time. However, I suspect there may be discussion on the issue in the future. The government has undertaken to continue to work with us to improve this regime and to build upon it for the future and your committee looks forward to doing so.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we have the report in which the committee is recommending that we make one amendment to the bill. The Honourable Senator Milne has indicated that there are other issues that might find expression in further amendments. For the sake of proceeding expeditiously, this side would have no difficulty in dealing with the report with the current amendment, it being understood that at third reading several honourable senators might rise to bring amendments to the bill as amended, should this report be adopted.

Motion agreed to and report adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

On motion of Senator Rompkey, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.

STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (interim) of the Standing Senate Committee on

National Security and Defence (Sub-committee on Veterans Affairs) entitled: *Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment*, deposited with the Clerk of the Senate on April 10, 2003.—(Honourable Senator Meighen).

Hon. Norman K. Atkins: Honourable senators, I am speaking in place of Senator Meighen, who plans to speak to this report at a later time.

I should like to take a few minutes to talk about the recent report of the Subcommittee on Veterans Affairs. The report, entitled: "Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment," is unusual. It is unusual because it was inspired by the experiences of one man and his determined pursuit of justice for members of the Canadian Forces who suffered dismemberment as a result of their service to Canada.

• (1450)

In 1995, Major Henwood had both legs blown off below the knee when the United Nations vehicle in which he was riding hit an anti-tank mine. At that time, he was serving in Croatia with the 8th Hussars as part of the United Nations peacekeeping force.

After a long period of recovery, Major Henwood discovered that he and all other ranks, except the most senior — that is, colonels, generals and their equivalents — did not have the accidental death and dismemberment insurance. Worse, he would receive nothing under the Canadian Forces Service Income Security Insurance Plan, SISIP, because his pension and disability benefits, after he left the Canadian Forces as a result of his injury, would add up to more than 75 per cent of his salary on release.

As a result, Major Henwood received absolutely no compensation from Canada for the loss of two legs. He learned, however, that if he had been a colonel and suffered the same injuries, he would have received \$250,000 in compensation.

Following his difficult recovery, Major Henwood has devoted himself to correcting the failure of the government to provide all ranks with at least dismemberment insurance for injuries sustained on duty. Furthermore, he wants to right the blatant injustice of providing full accidental death and dismemberment insurance only to the most senior ranks.

Major Henwood appeared before the subcommittee on February 3, 2003, to argue the need for insurance to provide compensation for on-duty dismemberment. His appearance had a tremendous impact on me. He walked into the room without assistance, looking and dressed like the successful businessman he is, to argue on behalf of the Canadian Forces personnel, hopefully very few in number, who will suffer dismemberment in the future.

In his testimony, he also drew attention to his belief that while he received the best of care, the military did not do enough to meet the needs of his family. As he told the committee:

...I was being looked after. What you have heard is "I." The other half of the story is the family. There was little or no offer of support by the system for my wife and children. However, individuals bent over backwards to bend the rules to arrange this or do that. We had to identify a need and then they would try to cater to that need. It was not the other way around with the system saying, "Here is what we can provide for you, what do you need?"

The military has unquestionably learned from the experience of Major Henwood. Over the past five years, they have introduced a number of programs to assist injured members of the forces and their families. Nevertheless, each seriously injured member of the Canadian Forces must have an able and compassionate champion to deal with their needs and the needs of their family and to intercede with the bureaucracy to have these needs met. That is why I strongly support recommendation 3 of the committee's report, which asks that:

When a member of the Canadian Forces is seriously injured, the Department of National Defence immediately assign an officer to represent the interests of the member. This officer must be knowledgeable about the various benefits to which the member and his/her family are entitled, and sufficiently senior and experienced to be able and willing to press their interests.

Just over a week after Major Henwood's appearance, the Minister of National Defence announced that, in the future, all regular and reserve force personnel would be insured, at no cost to themselves, for accidental dismemberment while on duty. Major Henwood thus has done a great service to the serving and future personnel of the Canadian Forces. However, he and the handful of other Canadian Forces personnel who have suffered duty-related dismemberments in the past will receive nothing because the new policy is not retroactive.

I wish to conclude my remarks by expressing my full support for the recommendations of the report and to make a special plea that recommendation 2, like recommendation 3, be given special consideration and immediate implementation. It states:

That the Department of National Defence introduce at the earliest possible time, retroactively, the payment of accidental death and dismemberment benefits to Canadian Forces personnel who have been injured while on duty in the past.

That, by the way, is not many service personnel. At the moment, it is very difficult to even find who those people are through the records of Veterans Affairs or National Defence.

Honourable senators, we are not talking about large numbers, though that should ultimately be irrelevant. This is simply the right thing to do.

The Hon. the Speaker: Honourable senators, this matter stood in the name of Senator Meighen. Is it agreed that it continue to stand in his name?

Hon. Senators: Agreed.

[Translation]

STUDY ON THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT

BANKING, TRADE AND COMMERCE COMMITTEE
AUTHORIZED TO EXTEND DATE OF FINAL REPORT

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Rompkey, P.C.:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*, which was authorized by the Senate on October 29, 2002, be extended to Thursday, December 18, 2003. (*Honourable Senator Prud'homme, P.C.*)

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the Honourable Senator Prud'homme has indicated that he had received the answers to his questions relating to this motion, and that he has no objection to the Senate proceeding with this motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[English]

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.—(*Honourable Senator Robichaud, P.C.*)

Hon. Catherine S. Callbeck: Honourable senators, I rise today to take part in the debate on Senator Gauthier's inquiry concerning services available to hearing impaired users of public transportation.

First, I want to commend Senator Gauthier for bringing forward this inquiry. It is one that touches the lives of many people. As this chamber was told, there are nearly three million hearing impaired people in Canada alone. These people should be able to travel on all modes of transportation without difficulty or stress. It is essential that hearing impaired persons be able to access the information that is needed to travel conveniently and safely. I wish to commend Senator Gauthier for all of the work and research that he has done and continues to do in this area.

• (1500)

The Honourable Senators Gauthier and Chaput have done an excellent job of outlining the problem that hearing-impaired persons face when travelling and of the need to ensure that the rights of hearing-impaired persons are upheld.

I shall not repeat the compelling arguments that have already been made by the two honourable senators. However, I should like to draw the attention of honourable senators to some research the government has undertaken on this issue that is directly related to the subject of this very important inquiry.

Transport Canada has a transportation accessibility research and development program. Its mandate is as follows: to develop guidelines and standards that will increase the safety and accessibility of transportation systems for elderly and disabled persons; to develop and adapt technologies and systems with the aim of eliminating travel barriers in all modes for elderly persons and those with mobility, sensory or cognitive disabilities; to investigate emerging technologies and to take advantage of national and international research and developments related to transportation accessibility; and to disseminate the results of Transport Canada's research to national and international policy-makers, researchers, operators, manufacturers and consumers.

To date, Transport Canada has completed three studies concerning transportation accessibility and enabling technology. One of the most recent studies, completed in August of 2002, is entitled: "Improving aircraft safety briefings for all travellers, including those with sensory or cognitive impairments." The purpose of this study was to examine current aircraft safety briefings and recommend means of ensuring that all passengers understand the briefings, including those who are hearing impaired. Ultimately, the study concluded that mixtures of different modes of communication could improve comprehension, and the researchers developed prototypes of improved messages for in-service testing.

The two earlier studies were both done with the purpose of evaluating technologies that could be used in aircraft to meet the communication needs of passengers with various sensory or cognitive impairments. These studies identified and recommended specific technologies that the researchers felt could potentially help to meet the needs of hearing-impaired passengers. They also recommended a number of non-technical solutions that could be beneficial, including the proper training of transportation staff.

Transport Canada is currently in the process of reviewing and assessing all three of these reports. In February of this year, the Minister of Transport released the department's policy framework in a document entitled, "Straight Ahead: A Vision for Transportation in Canada." I was pleased to see that the issue of accessibility was integrated into the department's vision and that the importance of accessibility to sustainable transportation was recognized.

As Senator Chaput noted, it is not only Transport Canada that is working on this issue. In 2001, a report entitled: "In Unison: A Canadian Approach to Disabilities Issues," was published on behalf of the federal, provincial and territorial ministers responsible for social services. Not only does this report examine research on this issue, but as Senator Chaput has already told us it also highlights indicators that could be used to measure progress being made in terms of accessibility.

Looking at these studies, it would seem to me that we have a great deal of good research on this issue. However, there is still much work to be done. It is time to take action, to make use of this research and ensure that policies and programs reflect the needs of those with disabilities.

Senator Gauthier has taken a very active role in pursuing policy change, as has the President of the Canadian Hard of Hearing Association, Colin Cantlie. Mr. Cantlie has been in close contact with the airline system to try to improve travel for people who are hearing impaired. He wants to ensure that employees have the time needed to listen and provide the proper services to travellers. He would like to see service providers give more importance to disability awareness and sensitivity training and to have action taken on the reports done by Transport Canada.

As Mr. Cantlie said:

Many of the development projects are shelved after the reports are written, they never see the light of day. Many of these projects have been excellent, but never do they see any development that would assist travellers and put Canada back as a transportation leader in the global community.

It is obvious that a great deal of time has been invested in research and learning about this. We have had a number of recommendations from various studies to be considered. It is my hope that policies and the programs will be developed that reflect the needs of those with sensory and cognitive impairments. This is necessary if we are to ensure that the citizenship rights, including equality, inclusion, empowerment and participation, of those with sensory and cognitive impairments are protected and Canada's commitment to diversity is upheld.

[Translation]

The Hon. the Speaker *pro tempore*: Honourable senators, if no other senator wishes to speak, this issue is considered debated.

Hon. Fernand Robichaud: I would like to move that the debate be stood until the next sitting of the Senate. The Honourable Senator Gauthier's inquiry is very important and I could, at this point, support him for the work he has accomplished. The Honourable Senator Gauthier has demonstrated the importance of these issues for the hearing impaired or those experiencing any kind of problem with public transportation.

Hon. Laurier L. LaPierre: I would like to stand the debate in my name, if possible.

On motion of Senator LaPierre, debate adjourned until the next sitting.

[English]

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Gérald-A. Beaudoin, Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 15, 2003

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRD REPORT

In accordance with the decision of the Senate adopting the Second Report of the Standing Committee on Legal and Constitutional Affairs, of November 28, 2002, which had the effect of dividing Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, into two bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), and which permitted your Committee to continue its study of Bill C-10B, your Committee now reports the same with the following amendments:

1. *Page 1, clause 2:* Replace lines 9 and 10 with the following:

“vertebrate, other than a human being.”.

2. *Page 2, clause 2:*

(a) Replace line 5 with the following:

“to, or the unnecessary death of, an animal.”,

(b) Delete line 10; and

(c) Reletter paragraphs 182.2 (1)(d) to 182.2 (1)(h) as paragraphs 182.2 (1)(c) to 182.2 (1)(g) and any cross-references thereto accordingly.

3. *Page 3, clause 2:* Add after line 10 the following:

“(3) No person shall be convicted of an offence under paragraph (1)(a) if the pain, suffering, injury or death is caused in the course of traditional hunting, trapping or fishing practices carried out by a person who is one of the Aboriginal peoples of Canada in any area in which Aboriginal peoples have harvesting rights under or by virtue of existing aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*, and any pain, suffering or injury caused is no more than is reasonably necessary in the carrying out of those traditional practices.”.

4. *Page 4, clause 2:* Replace lines 22 to 24 with the following:

“**182.5** No person shall be convicted of an offence under this Part where he proves that he acted with legal justification or excuse or with colour of right.”.

5. *Page 5, clause 2:* Replace, in the French version, line 5 with the following:

“perte de l'animal d'assistance policière ou des”.

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

GÉRALD A. BEAUDOIN
Deputy-Chair

OBSERVATIONS to the Third Report of the Standing Senate Committee on Legal and Constitutional Affairs Comments on Bill C-10B, An Act to amend the Criminal Code (cruelty to animals)

Non-derogation clauses in proposed legislation have become an issue that transcends Bill C-10B. This is a difficult and complex area of law. The Minister of Justice has made a commitment to review the use of non-derogation clauses in federal statutes, and apparently indicated that legislation would be introduced in March 2003 to establish appropriate wording for these clauses and to perhaps remove contentious clauses that have been inserted in recent legislation. Your Committee agrees that this is no longer an issue to be addressed in a piecemeal fashion. There can no longer be a mixed approach to the use and wording of non-derogation clauses when the very intent of these clauses is to provide clarity and certainty to Aboriginal peoples with respect to their constitutional rights. Your Committee therefore intends to follow-up on the Minister of Justice's commitment to deal with this issue. We expect any legislative or other initiative to address this issue to be sent to the Committee for study.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

• (1510)

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I have a technical problem. When we move to items on the Order Paper and the clerk reads documents or the text of a report, it is impossible for the interpreters to interpret a text of this kind if they do not have the document before them. In my opinion, the report was neither understood nor tabled. Could the clerks not plan ahead and give a copy to the interpreters? I have the document now, but when the clerk read it, we did not have it and the interpreters were not able to do their work.

The Hon. the Speaker *pro tempore*: Thank you for your comments, Honourable Senator Gauthier. Please be assured that we will see to it that this situation does not arise in future.

Honourable senators, when shall this report be taken into consideration?

On motion of Senator Beaudoin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(h), moved:

That the Senate do now adjourn until Tuesday, May 27, 2003, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 27, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, May 15, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | 03/04/29 | 0 | | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|---|-----------------|-----------------|---|----------|-------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | 03/04/03 | Energy, the Environment and Natural Resources | 03/05/01 | 0 | 03/05/06 | 03/05/13 | 7/03 |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | 03/04/01 | 03/04/03 | 5/03 |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | 03/04/02 | Aboriginal Peoples | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|--|-----------------|----------|-------|
| C-9 | An Act to amend the Canadian Environmental Assessment Act | 03/05/06 | 03/05/13 | Energy, the Environment and Natural Resources | | | | | |
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | Divided Message from Commons concurring with the division 03/05/07 | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | — | — | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | 03/05/13 | 8/03 |
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | — | — | Legal and Constitutional Affairs | 03/05/15 | 5 | | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | 03/04/03 | Rules, Procedures and the Rights of Parliament | 03/05/14 | 1 | | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | — | — | — | 02/12/11 | 02/12/12 | 27/02 |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | — | — | — | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|----------|-------|-----------------|----------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | 03/04/02 | 0 | 03/04/03 | 03/04/03 | 6/03 |
| C-249 | An Act to amend the Competition Act | 03/05/13 | | | | | | | |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrestall) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | 03/04/02 | | |
| S-9 | An Act to honour Louis Riel and the Métis People (Sen. Chalfoux) | 02/10/23 | 03/05/06 | Legal and Constitutional Affairs | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | 03/05/07 | Official Languages | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|---------------|---|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
| S-15 | An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools) | 03/02/13 | | | | | | | |
| S-16 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver) | 03/03/18 | | | | | | | |
| S-17 | An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc) | 03/03/25 | | | | | | | |
| S-18 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 03/04/02 | | | | | | | |
| S-20 | An Act to amend the Copyright Act (Sen. Day) | 03/05/15 | | | | | | | |
| PRIVATE BILLS | | | | | | | | | |
| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
| S-19 | An Act respecting Scouts Canada (Sen. Di Nino) | 03/05/14 | | | | | | | |

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CANADA

Debates of the Senate

2nd SESSION

• 37th PARLIAMENT

• VOLUME 140

• NUMBER 58

OFFICIAL REPORT
(HANSARD)

Tuesday, May 27, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, May 27, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 43(3), I have given earlier notice to the Clerk that I intend to raise today a question of privilege arising from the unauthorized disclosure of a confidential draft report of the Standing Senate Committee on Fisheries and Oceans.

[Translation]

When the Senate invites me to do so later on today, I will summarize the events and indicate the steps we intend to take.

[English]

PROTECTING CANADIAN DEMOCRACY: THE SENATE YOU NEVER KNEW

BOOK LAUNCH

Hon. Serge Joyal: Honourable senators, it is my pleasure today to report, on behalf of Honourable Senators Lowell Murray and Michael Pitfield, that, after so many months and years of labouring, the result of our work has finally given birth to a book, in both official languages, entitled: *Protecting Canadian Democracy: The Senate You Never Knew*.

Hon. Senators: Hear, hear!

Senator Joyal: This has been a non-partisan endeavour, Senator Lowell Murray having contributed with his original personal style and Senator Pitfield having written the foreword of the book. The book is co-published by McGill-Queen's University Press and the Canadian Centre for Management Development. Copyrights have been handled through the Canadian Centre for Management Development, so none of us, of course, will draw any income, royalties or copyrights from this book.

Some Hon. Senators: Oh, oh!

Senator Joyal: On the other hand, today we must thank the seven learned Canadian professors who contributed to this book,

professors drawn from the Universities of Manitoba, Saskatchewan, McMaster, Queen's and, of course, l'Ecole nationale d'administration publique in Quebec.

Honourable senators, this book is important because many of you supported the initiative. Some of you have given us advice — for example, former Senator John B. Stewart from Nova Scotia. Throughout the process, Senators Grafstein, Pitfield and Murray have had the opportunity to contribute to the content of the book.

I will end by quoting from the conclusion of the book. This book is about an institution, an institution that embodies the federal principle, a Senate that is much different than its political caricature. Let me remind you of its essential conclusion. The Senate is a complementary chamber to the House of Commons. It is an essential part of our parliamentary architecture. As an integral component of that system, it has a unique role and function. The conclusion reads, in part, at page 307:

Earnest and well-meaning attempts to reform the Senate are to be commended — but they should not serve as the pretence for weakening the constitutional protection of sectional interests and of minority and human rights built into our legislative process. The Fathers of Confederation designed our system of government to reflect a particular set of values. Enshrined in our Constitution is the expression of fundamental humanist principles: the recognition and valorization of the rights of linguistic and cultural minorities; the affirmation, rather than assimilation, of regional identities; and, more recently, the paramountcy of human rights and freedoms over government decisions and legislation.

Honourable senators, with great pride, I thank all of you and invite you, at the adjournment of our sitting this afternoon, to the launch of this book, a copy of which will be made available to you in the language of your choice.

JUSTICE

CRIMINAL CODE LOOPHOLE— HATE CRIMES BASED ON NATIONAL ORIGIN

Hon. Gerry St. Germain: Honourable senators, in Canada we have long been proud of our freedom of speech, of our ability to express ourselves without fear of being censored because someone or some group disagrees with the views we are expressing.

We, as Canadians, have also understood that with those privileges come certain responsibilities. Most important is the responsibility we have to avoid publicly speaking out in a way that might incite hatred. We have proudly accepted limits on our freedom of expression in the form of criminal laws aimed at preventing the worst discrimination — the incitement of hatred against certain people.

Section 319 of the Criminal Code makes it a serious offence to communicate statements in a public place that incite hatred against people defined by their colour, race, religion or ethnic origin. These protections do not go far enough, obviously, honourable senators. A member in the other place has introduced a private member's bill that proposes to amend the Criminal Code to expand the definition of identifiable cultural groups in relation to the area of hate propaganda. The member in the other place proposes, including those distinguished by their sexual orientation, to ensure they are protected as an identifiable group. Another identifiable group must be protected, honourable senators, and that is people who can be identified by their national origin.

The Criminal Code offers no protection to those who may be singled out in a hateful, verbal attack merely because they are citizens of a particular nation. This loophole has real implications; it allows hate-mongers to incite hatred against citizens of other countries.

One clear example is an incident that occurred two years ago, shortly after the tragic events of September 11, 2001. The former Chair of the National Action Committee on the Status of Women launched into a vicious and hateful attack against Americans at a public meeting here in Ottawa. That incident was investigated by the Ottawa Police as a possible hate crimes offence. Given the loophole in the Criminal Code, where national origin is not included in the definition of identifiable groups, the horribly malicious and venomous statements of this vicious critic went without consequence.

In fact, honourable senators, some misguided people jumped to her defence in the name of free speech. They ignored the fact that, had this person made the same statements against persons who could be identified by their racial or ethnic origins, she would have been charged with a hate crime.

• (1410)

Our good friends in the United States of America certainly did not deserve to be treated in such a horrible manner. They, like all citizens of the world, deserve the same protections we offer people who might be defined by their race, colour, ethnic origin or religion. Hate-mongers should not be allowed to incite hatred against people based on their country of origin.

Honourable senators, section 318 of the Criminal Code should be amended to protect our American friends and others from hateful behaviour. I call upon the Government of Canada to rectify this deficiency in the hate crime laws.

[Translation]

QUEBEC

SAINT-LÉONARD— LEONARDO DA VINCI COMMUNITY CENTRE

Hon. Marisa Ferretti Barth: Honourable senators, I would like to take a few minutes to speak to you about a very ambitious project, begun several years ago, which saw the light of day last year. The Leonardo da Vinci Centre, located in Saint-Léonard, will be one year old this month.

This long-awaited project was a collaborative effort by the entire Italian community, through its contributions and the dogged efforts of the trustees of the Fondation communautaire canadienne-italienne du Québec.

The Leonardo da Vinci Centre is a multi-functional building, housing, under a single roof, a number of cultural, sports and community activities. These include a theatre inspired by Milan's La Scala, a piazza for enjoying an espresso in a Latin ambiance, a bocce court, a sports club, a chapel, an art gallery, a day care centre, a training and meeting space, a youth centre, an administrative centre and a municipal court.

With all these activities, the Leonardo da Vinci Centre is above all a lively, friendly and fun space, where communities and generations can meet and share the same passions.

Honourable senators, I would like to stress the importance of this community centre, inspired by the master of the Renaissance, Leonardo da Vinci, sculptor, painter, architect, engineer and scientist. His love of learning and his numerous masterpieces left their mark on his own era and are a precious legacy for the world community.

The Leonardo da Vinci Centre represents a great accomplishment for the entire Italian community and will, I am sure, help communicate Italian culture. I am very proud of this achievement, which proves that, with determination and perseverance, and a sprinkling of Latin passion, all things are possible.

[English]

AGRICULTURE

ALBERTA—CASE OF BOVINE SPONGIFORM ENCEPHALOPATHY

Hon. Joyce Fairbairn: Honourable senators, I wish to take the first opportunity, on our return from the parliamentary break, to share with colleagues the concerns and the courage of all of those in my province of Alberta where lives have been touched by the events surrounding the discovery of one cow suffering from bovine spongiform encephalopathy, also known as mad cow disease.

Although this animal did not enter the food chain, it has caused the depopulation of more than one herd, the quarantine of animals on 17 farms — 12 in Alberta, two in Saskatchewan and three in British Columbia. This single case has closed our border for beef exports to the United States, with similar instructions to other partners, which is clearly a devastating blow to the cattle industry in Canada and all business and industries related to it.

Underlying these actions is the fact that the animal science system in Canada, through the Canadian Food Inspection Agency and its provincial partners, is clearly working. As well, our reputation for excellence in animal identification has been evident in the backward and forward tracking system that is tracing the history of the single cow. The very fact of the quarantines themselves underlines the protection our system offers while testing is done.

[Senator St. Germain]

Honourable senators, this country has been tremendously well served through the cooperation, and indeed friendship, between two dedicated agriculture ministers: Lyle Vancief on the federal side, and his counterpart, Shirley McLellan of Alberta. Others have been involved as the situation has developed. They have all been upright, honest and dedicated in their efforts to set a tone of cooperation and determination for success on this tremendously difficult and dangerous issue.

We have also had quick and helpful support from the United States, Britain and other trading partners. We have had very responsive cooperation from the farmers involved.

Without doubt, none of us can truly imagine the anguish of individuals losing a herd, closing empty auction houses, seeing packing plants shut down and feeding stations overrun with animals and no place to send them. The farmers directly involved will receive compensation for lost animals.

I hope that, together, governments will find ways to assist those whose livelihoods have been abruptly halted through circumstances beyond their control. I say this from the heart because many of these individuals, families and businesses reside in southern Alberta.

I know all of us would wish a swift and thorough conclusion to this nightmare for all Canadians, wherever they live and work, and for the continued strength of our nation.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2003-04

SECOND INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Lowell Murray: Honourable senators, I have the honour to present the Sixth Report of the Standing Senate Committee on National Finance, which deals with the 2003-04 Estimates, second interim report.

(For text of the report, see today's Journals of the Senate, p. 854.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SCRUTINY OF REGULATIONS

JOINT COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Wilfred P. Moore: Honourable senators, with leave of the Senate and notwithstanding rule 58 (1)(i), I move:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings on Thursday, May 29, 2003 with the least possible disruption of its hearings.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

• (1420)

STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

NOTICE OF MOTION TO AUTHORIZE ABORIGINAL PEOPLES COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Thelma J. Chalifoux: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That notwithstanding the Order of the Senate adopted on October 29, 2002, the date for the final report by the Standing Senate Committee on Aboriginal Peoples in its study of issues affecting urban Aboriginal youth be extended from June 27, 2003, to October 30, 2003.

QUESTION PERIOD

AGRICULTURE

BOVINE SPONGIFORM ENCEPHALOPATHY— UNITED STATES TRADE RESTRICTIONS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It pertains to the investigation process in which the Canadian Food Inspection Agency is engaged in the case of BSE that was recently discovered in a cow in Alberta. As we have learned in press reports on the issue, the United States has representatives who are also involved in the process to determine the origins of the case of BSE in Alberta. The Canada Beef Export Federation is saying that the United States wants the federal government to meet key conditions, including the tracking and killing of the diseased cow's offspring, as well as tracing animals that may have been exposed to feed containing products from the BSE-infected cow.

Could the Leader of the Government in the Senate tell us what conditions must be met by Canada before the Americans are ready to certify our beef and beef products as safe for export to the United States of America? Has the American government communicated this information to us and do the Americans also want assurances about the Canadian beef regulatory system?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question this afternoon. It is important to note that Canada has one of the best beef-tracking systems in the world. In particular, it is somewhat better than what exists south of the border. To answer the honourable senator's question, that is exactly what the governments, both provincial and federal, are doing at the present time. That is why 17 herds have been quarantined and why one herd has been completely destroyed. Tests have come back to indicate that only that one cow was infected.

I understand that another herd will be destroyed, either today or tomorrow, and that those cows will also be tested. The authorities are testing forward and they are testing backward and tracing both. For example, we know that the BSE-infected cow lived on a number of farms, which is why those farms have been quarantined. Officials are now examining where that cow's offspring have gone. Those cows are being traced, which is why additional farms have had their cattle quarantined.

The honourable senator is quite correct that the Americans have sent individuals, at our request, because the most important thing for us to do, as quickly and as safely as possible, is to reopen the border between Canada and the United States, as 80 per cent of our beef exports go to the United States. Clearly, we will meet the standards that they set, wherever those standards are reasonable.

Senator Oliver: Can the honourable leader give assurances to honourable senators here today to review the ongoing measures the Government of Canada is taking to communicate to our trading partners in the United States of America the safety of our beef and the status of the investigation into the origin of the BSE that was discovered in Alberta?

Finally, can the minister comment on the common practice of using the remnants of sick cows as feed for non-ruminant animals such as chickens, dogs and cats? As there is the possibility that such feed could make its way back into the food chain of ruminant animals, will the government re-evaluate this practice?

Senator Carstairs: The honourable senator's first question is readily answered. Yesterday, I met with the Minister of Agriculture for a briefing. He implied that he and his counterpart in the United States are now joined at the hip. They have exchanged cell phone numbers and are in conversation on a daily basis. In that way, there will be no breakdown in communications. It is important, as well, to note that it was the Canadian government that informed the American government as to what was happening in this case.

With regard to the use of ruminant animals as feed, which the honourable senator knows is restricted to non-ruminant animals, Britain is the only country in the world that does not permit that practice. Once we get to the bottom of this matter, the policy of using those remnants to feed chickens, pigs, dogs and cats will also have to be evaluated.

HEALTH

BOVINE SPONGIFORM ENCEPHALOPATHY— IMPLEMENTATION OF EUROPEAN UNION RECOMMENDATIONS

Hon. Mira Spivak: Honourable senators, several years ago I asked a question in the Senate about whether the government was heeding European Union recommendations, very specific to Canada, to prevent BSE. The EU scientists examined our prevention methods and found that they should and could be improved. They made a number of recommendations in a July 2000 report. They indicated that we should stop rendering specific cattle organs, such as the brain and the spinal cord, that carry the highest risk of transmitting mad cow disease; that we should stop rendering all fallen stock or diseased animals; that we should require our rendering plants to use better processes with a better potential to deactivate BSE; that we should improve compliance with the ban on feeding the remnants of ruminant animals to other ruminant animals, which the government has said has been in place since 1997; and that we should deal with the issue of the potential cross-contamination in 11 of our 13 rendering plants, about 600 feed mills, and thousands of trucks — wherever cattle feed and feed products are not segregated from pig or poultry feed.

The government's response several years ago — I do not want to quote it — was vague and basically said no. In other words, it would not look at the EU recommendations.

In May 2000, two years ago, the government did admit that Health Canada was conducting a scientific risk assessment on the use of brains and the spinal cords of Canadian cattle. Could the Leader of the Government tell us, today, the results of that risk assessment and whether the government has adopted any of the reasonable measures recommended by the EU committee three years ago?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell the honourable senator that rendering plants conduct an examination for brain and spinal cord parts. However, this examination is done by sight. There is apparently a new testing mechanism to identify such remnants, and the government is seriously considering instituting that test nationwide in Canada to be able to know for sure whether there are brain or spinal cord remnants left in the feed.

This is a very important issue. Brain and spinal cord remnants, as the honourable senator knows but I suspect other honourable senators do not, can aid the transmission of BSE. That is why the government is examining it.

I do not have information with regard to the results of the risk assessment, but I will obtain it for the honourable senator.

Senator Spivak: Researchers are looking at these brains and spinal cords, but the department has not yet banned the use of them, as was recommended. What about the other recommendations, such as not rendering fallen stock or diseased animals, cross-contamination and improved compliance? Does the Leader of the Government in the Senate know whether any of the measures recommended three years ago were implemented or are being considered? What is their status?

• (1430)

Senator Carstairs: Honourable senators, the senator is right when she says they have not been banned but, if there are brain and spinal cord parts, they are removed so that they, in fact, do not end up in feed. However, as I have indicated, only a visual test is conducted. Apparently, however, the science has progressed to the extent that a physical test of the rendered materials can determine whether, in fact, any brain and spinal cord parts are present. That is what is being considered at the present time.

As to the other recommendations made by the EU, to date they have not been implemented because they were not considered necessary to be implemented in this country. However, in light of what has happened, clearly, all necessary re-evaluation will have to take place now.

[Translation]

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— COMPENSATION TO PROVINCE INDIRECTLY AFFECTED

Hon. Jean-Claude Rivest: Honourable senators, when the government considers the compensation plan for producers suffering from this unfortunate incident, will it take into consideration not only the provinces directly affected by this situation but also those provinces indirectly affected? The Union des producteurs agricoles du Québec, for one, is deeply concerned because, since this situation began, all beef cattle transactions have been suspended. Every delay in this sector causes considerable damage to all producers. The Maritime provinces and Ontario, among others, certainly share this concern.

[English]

Hon. Sharon Carstairs (Leader of the Government): Senator Rivest has asked a very important question. Although it was a cow in Alberta that was diagnosed with BSE, the fact that the ban has been imposed by the United States, where 80 per cent of our exports go, and by a number of other countries where, quite frankly, it would not have the same economic impact, not only affects those cattle producers in the province of Alberta, it also affects cattle producers across the country.

At the outset, all honourable senators should recognize that the farmer whose cattle were slaughtered is covered up to a maximum of \$2500 a head. A cow is examined for the purposes of determining its value. In other words, a cow is given a valuation

prior to being slaughtered. A calf is obviously less valuable than a full-grown cow. Those who have lost animals will be compensated in accordance with the established value.

The government is examining the issue of how we will respond to assist other farmers who may be caught in this very difficult situation. Much will depend on the length of the ban. If the ban is short-lived, the loss will be quite minimal. If, however, the ban goes on for an extended period of time, which we hope will not happen, serious compensation issues will have to be examined.

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— RESPONSE TO NEW OUTBREAK

Hon. Wilbert J. Keon: Honourable senators, unfortunately it has been reported that there is a resurgence of SARS cases in Toronto-area hospitals, namely, North York General Hospital, St. John's Rehabilitation Hospital, Scarborough Hospital and, I understand, others are being reported today.

Could the Leader of the Government in the Senate tell us whether new actions have been undertaken to expediently address this present situation, or whether the previous procedures that were in place prior to us having thought the problem was under control have been re-instituted?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator has raised the issue that we all thought had been brought to a successful conclusion. Until the announcement of the most recent cases, there were only seven SARS patients left in Toronto hospitals. We now know that there are eight probable and 26 suspected cases, and hundreds of Canadians have gone into voluntary quarantine as a result of this additional outbreak.

I suppose one can say that the good news is that it is still restricted to the hospital population. It is not in the population as a whole. The bad news is it appears that restrictions were lifted too quickly and that it should not have been indicated that the problem was solved before it was entirely solved.

As to the honourable senator's question about what standards are now in place, the honourable senator will remember that there were two sets of standards. There was a first set of standards, which was then declared to be inadequate, and a higher standard, with, hopefully, a lower risk value to those who came in contact, was put into place. That standard was lowered and the current outbreak occurred. We have now returned to the much stricter standard. That is why some hospitals have again eliminated visitors — some to wards and some throughout the entire hospital system.

Senator Keon: Honourable senators, it appears that the source of this new outbreak is linked to an elderly man at the North York General Hospital who was diagnosed with post-operative pneumonia. However, the facts seem unclear as to the linkage to this particular patient. Could the leader enlighten us about that?

Senator Carstairs: The honourable senator is correct; the linkage is not totally clear at this time. Part of that, I understand, has to do with the condition of the individual. This is a 96-year-old man suffering from multiple complications. That is, unfortunately, why the diagnosis of SARS was not made. They did believe he was suffering from post-surgical pneumonia and so he was not tested for SARS until after he had come into contact with a great many people.

Unfortunately, we still do not know the epidemiological basis of where he actually contracted the SARS. However, I will make that information available as soon as it is received.

SEVERE ACUTE RESPIRATORY SYNDROME—
WORLD HEALTH ORGANIZATION RESPONSE
TO NEW OUTBREAK—CUTBACKS
TO SCREENING PROCEDURES

Hon. Brenda M. Robertson: Honourable senators, as a result of the new SARS cases, the World Health Organization has once again placed Toronto on its list of areas where the disease is spreading. When the World Health Organization gave its travel advisory against the city last month, it did so without visiting Toronto. However, some concern was expressed about the amount of interaction between Health Canada officials and their World Health Organization counterparts.

Could the Leader of the Government in the Senate tell us the status of Health Canada's communication with the World Health Organization and if World Health officials have been asked to go to Toronto to observe the situation first-hand?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator has indicated that the travel advisory was lifted by the WHO, and then it removed Toronto from the list of SARS-affected areas. Toronto has, once again, been listed by the WHO as a SARS-affected area. However, there is no travel advisory against Toronto because it is very clear, as I said to Senator Keon, that this infection is hospital-based and has not been related to people coming into or leaving the country.

The Honourable Minister of Health is in touch with WHO officials. We do not want a further breakdown. WHO officials would be welcome to visit Toronto, should they so wish.

• (1440)

Senator Robertson: However, honourable senators, the World Health Organization decided, of course, to lift the travel ban against Toronto last month, in part because Health Canada promised to provide better passenger screening at Pearson International Airport. In the media this morning, the Minister of Health is reported to have said that Health Canada may drop five of the 12 SARS screening machines because of passenger complaints that they are too intrusive. Could the Leader of the Government in the Senate tell us whether cutting back on SARS screening has been cleared with the World Health Organization?

Senator Carstairs: Honourable senators, what has continued to operate is that quarantine officers from Health Canada remain on site in Vancouver, Toronto and at Dorval airport. These health

professionals continue to monitor all incoming passengers from SARS-affected countries. A quarantine officer immediately assesses airplane passengers on flights from Asia who are discovered to be ill en route to Canada. Travellers entering Canada on direct flights from Asia must complete key health-related questions on yellow health alert notices. Flight attendants are asking passengers to fill out a traveller tracing form that will enable health authorities to contact passengers. Many procedures have been put into place.

Temperature monitoring equipment is in place. There are six machines in Vancouver and six in Toronto. Health officials are monitoring their effectiveness and will continue to do so.

SEVERE ACUTE RESPIRATORY SYNDROME—
ECONOMIC FALLOUT

Hon. Jeremiah S. Grafstein: Honourable senators, on the same topic but from a different perspective, the SARS crisis in Toronto has erupted again and intensified the economic damage not only to Toronto, which is in the eye of the storm, but also to travel and tourism across Canada. All parts of Canada, this spring, are suffering deeply. Could the Leader of the Government advise what plans the federal government has to alleviate the economic plight of workers and small business, especially in Toronto?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can inform the honourable senator that a special cabinet committee, headed by Minister Rock, has been put into place to evaluate the problems that not only, as he so wisely has said, are having an impact on Toronto but are also being felt across the country. The airline industry, the tourism industry and many workers have been impacted.

FISHERIES AND OCEANS

BRITISH COLUMBIA—JOB COMPETITION FOCUSING
ON VISIBLE MINORITY CONTESTANTS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. The question presents itself from the *Victoria Times Colonist*, which contains the following headline: "Whites not wanted in federal job." The article states that Public Service Commission of Canada spokeswoman Kathy Trim acknowledged the posting for a job in the Department of Fisheries and Oceans that pays \$100,000 annually excludes the majority of Canadians who are white. The article continues:

...she said the goal — a more ethnically diverse public service that taps the talents of under-represented groups — expands the overall talent pool and therefore adheres to the merit principle.

I do not know how that makes sense. The article states:

"If you look at this at the level of individual transactions, yep, sometimes it takes some imagination to see it," Trim said.

"But we look at things from a systemic perspective, and the fact is that visible minorities are under-represented in the public service."

Could the minister explain to the Senate and to Canadians what this is? Is it social engineering, political correctness or affirmative action at its highest level? Can she explain what is going on?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is certainly affirmative action, and it is affirmative action based on the principles of the Government of Canada, which are that we should reach out to members of communities that have been traditionally under-represented in federal government positions. That is what this advertisement is attempting to do, and I hope that its achievement will result in a higher representation of members of visible minority communities in positions of authority in the Public Service of Canada.

I am surprised that my honourable friend rose on this particular question today. I thought he would have been rejoicing the preliminary report out of the WTO that U.S. countervailing duties on softwood lumber have been determined to be inconsistent with WTO provisions.

Hon. Senators: Hear, hear!

Senator St. Germain: Honourable senators, I should have mentioned it. This is a great win for Canada — a great win for all of us. Let us applaud the WTO ruling. However, it does not negate the importance of what the honourable leader just said. I honestly believe we should reach out, but I do not think we should overrule merit, which obviously could happen in this case.

The other thing I want to tell the honourable senator is the article refers to women, the disabled, Aboriginal and non-Aboriginal visible minorities. I happen to be an Aboriginal as defined in the Constitution. I can tell the honourable leader that I do not need special treatment to compete with her or any of the other Whites in this place. Get this straight: We do not want special treatment. We want a level playing field, and we will compete with anyone of you. I suffered a similar experience in the air force. I was told that because I had a French-Canadian name, I had a better chance of being promoted, strictly because of that. I told them at the time that I was as good a pilot and a student as anyone there and did not need special treatment.

If the honourable senator thinks that she has to give me special treatment, I will compete with her any time of the week and with any one of these other White senators in here.

Senator Carstairs: Clearly, the honourable senator can compete on a level playing field. On the other hand, I had an experience in my career where I was told that I would not be considered to be a vice-principal of a school because I was female. Frankly, in terms of the need for a government to take affirmative action, it is clear that if we treated members of visible minorities in this country equally with White people in this country, they would have an appropriate proportion of the jobs in the public service, and they do not.

Some Hon. Senators: Hear, hear!

Senator Forrestall: That did not happen in Nova Scotia.

Senator Carstairs: No, it did not. It happened in Alberta.

SOLICITOR GENERAL

ROYAL CANADIAN MOUNTED POLICE— CHARGES AGAINST EUROCOPTER

Hon. J. Michael Forrestall: Honourable senators, can the Leader of the Government in the Senate confirm that the Royal Canadian Mounted Police have now charged Eurocopter of Canada with fraud?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, no, I cannot confirm that. Obviously, only the RCMP could confirm that.

Senator Forrestall: Honourable senators, I had the impression that the RCMP reported to someone once in a while. Can the Leader of the Government tell the chamber why a company charged with fraud or facing fraud charges would be allowed to compete for the Sea King replacement when the Maritime Helicopter Request for Proposal, Volume 1, General Instructions to Bidders, states that Canada will reject bids from companies that have engaged in fraud in the past? I ask the Leader of the Government to explain yet again why the rules are being bent in favour of Eurocopter.

Senator Carstairs: Honourable senators, with the greatest respect to the honourable senator, I believe in the rule of law. The rule of law states that an individual or a corporation or anyone else charged with a criminal offence is innocent until proven guilty. Therefore, to assume that individuals or companies are guilty of fraud because they may have been charged with fraud is in violation of our democratic principles.

Senator Forrestall: Honourable senators, I would quote from the government's request for proposal:

Evidence, satisfactory to Canada, of fraud, bribery, fraudulent misrepresentation or failure to comply...

Evidence satisfactory to Canada is the basis upon which I have put the question. I would appreciate it if the leader could find out a little more about this matter, and, at a later date, give us some indication of whether charges have been initiated and, in fact, are moving forward.

Senator Carstairs: Honourable senators, I can certainly find out for the honourable senator, although I would suspect that if a company of that nature has been charged, it would be in the newspaper very rapidly. I would indicate to the honourable senator that, in our rule of law, evidence satisfactory would, under most circumstances, be considered to have been a conviction.

• (1450)

TREASURY BOARD

AUDITOR GENERAL'S REPORT—EFFECT OF RECLASSIFICATION PROCESS ON PROMOTIONS

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government in the Senate. The report of the Auditor General released just this morning states, in part, as follows:

Over the past 10 years, the Secretariat did not exercise sufficient control over the classification of positions in the public service to ensure that positions were classified accurately. Between 1993 and 1999, about 28,000 promotions — almost one third of all promotions — were awarded through the reclassification of positions. The Secretariat does not know how many of these positions may have been overclassified.

Could the Leader of the Government in the Senate tell us why the government has failed to take adequate steps to monitor reclassification? What is the government's best guess as to how much it is overpaying some of its employees? I know the minister will not be able to answer that question.

The question that arises is this: How does the government monitor 28,000 promotions done through reclassification? Is a monitoring process now underway or will it be taken in the future?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I did not expect the honourable senator to give all the good news that came out in this particular report of the Auditor General. When I met with the Auditor General yesterday, I was pleasantly surprised that she had far more positive things than negative things to say about the government. That is an unusual circumstance when I meet with the Auditor General.

In terms of the reclassification process, I think the honourable senator knows just how complex this system is. Many classifications for positions have not been changed in 40 years. The government has been actively working on this since 1991. It was announced by the President of the Treasury Board, in May 2002 that the government would do its best in a step-by-step approach tailored to specific occupational groups. It is an ongoing issue, one that is not easily resolved.

[Translation]

NATIONAL DEFENCE

COLD LAKE, ALBERTA— CRASH OF CF-18 FIGHTER PLANE

Hon. Marcel Prud'homme: Honourable senators, there has been a very unfortunate incident in Alberta. A CF-18 has crashed during a training exercise. Training is always risky. On behalf of all the honourable senators, I offer my sincere condolences to the victim's family.

My question is very specific. Since the exact cause of the plane crash is unknown, does the Minister of National Defence intend to order that the CF-18s — now quite ancient — be grounded until a satisfactory answer has been obtained?

[English]

As is said in English, it is grounded until any further discovery is made. Everything is so vague. There has been some talk about sabotage, while others have talked about bad gasoline. We now have problems in the Atlantic. It saddens me that there has been another incident with these very aged planes. Was any action taken along this line?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. I join him, as do, I am sure, all members of this chamber, in expressing our deepest sympathy to the family and loved ones of Captain Kevin Naismith.

As the honourable senator knows, a flight safety investigation, which will take some time, is underway. We have no idea what caused this incident. What we do know, however, is that the structure of the CF-18 aircraft is sound and will remain so for a number of years.

There is a modernization program underway. Let me be very clear, honourable senators, that it is related to the in-flight equipment, in particular, its computers, and not related to the plane structure itself.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in this house, three delayed responses. I have a delayed response to a question raised by Senator Di Nino on April 1, 2003, regarding the war with Iraq and the activities of Syria. I have a delayed response to questions raised by Senator Forrestall on May 6, 2003, regarding the Maritime Helicopter Project and a delayed response to a question raised by Senator Keon on May 14, 2003, regarding the effects of metal toxins.

FOREIGN AFFAIRS

WAR WITH IRAQ—ACTIVITIES OF SYRIA

(Response to question raised by Hon. Consiglio Di Nino on April 1, 2003.)

The Government is aware of the concerns expressed by the United States Government about Syrian actions during the recent conflict in Iraq. Secretary of State Colin Powell visited Damascus on May 3 at which time he met with President Bashar al-Assad and other senior officials of the Government of Syria. These meetings permitted a full exchange of views.

Any credible allegation that the Government of Syria supplied military equipment to Iraq or that it stored Iraqi military equipment would create serious concern. UN sanctions against the former Iraqi regime prohibited, among other things, the export of military goods to Iraq.

Throughout the conflict, Canada urged all parties in the region to make every effort to avoid inflaming the situation. In the aftermath of the hostilities, Canada calls on all countries to join in the effort to restore stability to Iraq and the region as a whole. The Government considers that Syria, as the only Arab member state currently serving on the UN Security Council, can play a positive role in this regard and urges it to do so.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— E-MAIL FROM AMBASSADOR TO FRANCE TO OFFICIALS IN PRIME MINISTER'S OFFICE REGARDING EUROCOPTER

(Response to question raised by Hon. J. Michael Forrestall on May 6, 2003.)

The Government's goal has always been and remains to get the right aircraft for the Canadian Forces as soon as possible, at the lowest possible cost.

When spending taxpayers' money, the Government takes very seriously its responsibility to decide on and implement the correct procurement strategy. Ministers are accountable to Parliament and to Canadians for the decisions they take. It is the role of officials to support Ministers in the discharge of their responsibilities, and that is equally the case in managing any complex Major Crown Procurement.

It is the normal duty of ambassadors to report their analysis on any particular issue of importance to Canada and the countries where they are posted. It is also their responsibility to inform local business people about investment potential in Canada and the open and transparent process to follow to make such investments.

HEALTH

EFFECT OF METAL TOXINS

(Response to question raised by Hon. Wilbert J. Keon on May 14, 2003.)

Health Canada does not agree with the interpretation of our Total Diet Survey results as expressed in the Environmental Defence Canada report.

Health Canada scientists have been studying the potential health impact of dietary exposure to heavy metals, such as lead and cadmium, since the 1970s. Monitoring efforts since that time have shown a clear downward trend in the levels of such heavy metals. For example, the elimination of leaded gasoline and the replacement of lead-soldered food cans have had a significant impact in reducing lead levels in the

food supply. Despite these efforts, it is important to recognize that metals, such as those indicated in the Environmental Defence Canada report, occur naturally in the environment and, therefore, cannot be totally avoided. With the use of the sensitive analytical methods available today, they can be found in virtually all foods at trace amounts. The levels of metals in foods sold in Canada are similar to or lower than levels of these metals reported in other industrialized countries such as the United States, countries of the European Community, Australia/New Zealand, Japan, et cetera.

Health Canada scientists have also participated in international expert committees, which have been reviewing research findings relating to the toxicity of metals for many years. One of these expert committees known as the Joint Food and Agriculture Organization/World Health Organization Expert Committee on Food Additives has set tolerable weekly intake levels for the metals of greatest concern based upon:

- (a) the weight of scientific evidence collected to date on a global scale; and
- (b) established and reasonable safety factors.

Monitoring data generated by Health Canada has shown that the exposure of Canadian consumers to these metals is currently well below these tolerable intake levels.

Despite these achievements, Health Canada agrees that we must not be complacent about this issue. Health Canada scientists will continue to closely monitor the results of new research from around the world relating to the toxicity of these metals.

In addition, monitoring efforts, such as Health Canada's Total Diet Survey, a program that was initiated in the late 1960s, will continue with a view to ensuring that Canadian consumers are not exposed to unacceptable levels of these and other chemical contaminants.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I have the pleasure to introduce some guest pages from the House of Commons.

Let me begin with Catherine Holloway of Beaconsfield, Quebec, who is pursuing her studies at the Faculty of Humanities at Carleton University. She is majoring in humanities and English literature.

[Translation]

Nicholas Lavoie of Cornwall, Ontario, is studying in the Faculty of Arts at the University of Ottawa, and is taking an honours degree in history. I welcome you to the Senate.

[English]

Finally, we have Elizabeth Schwartz of Ottawa, Ontario, who is pursuing studies at Carleton University, majoring in public affairs and policy management.

Welcome to the Senate of Canada.

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the various issues concerning this measure have been sufficiently canvassed and placed on the record. Arguments for this measure and the important arguments concerning its difficulties have been identified by honourable senators.

Therefore, the house is at the point where honourable senators are ready for the question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Kinsella: On division.

Motion agreed to and bill read third time and passed, on division.

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Bill Rompkey moved the third reading of Bill C-15, to amend the Lobbyists Registration Act, as amended.

He said: Honourable senators, one amendment has been proposed to this bill, that is, to apply the experience and the record of those who have served in the House of Commons not only to consultants who work with corporations but to all consultants across the board.

When the bill came to us, the setting on the record of past experience was limited to certain consultants. This proposed amendment would apply that to all consultants.

That is the only amendment that has been made to the bill. I hope that honourable senators will accept it.

• (1500)

Hon. Consiglio Di Nino: Honourable senators, I rise today to participate in third reading debate on Bill C-15, to amend the Lobbyist Registration Act. This bill and its predecessors acknowledge that lobbying the government is a proper and legitimate activity. Bill C-15 attempts to improve the transparency of lobbying and to increase the effectiveness of the legislation that governs it. I believe that, in principle, Bill C-15 does both. In committee hearings, though, a number of concerns were raised about this bill, and I should like to elaborate on three such concerns, which are as follows: the enforceability of the lobbyist code of conduct; the disclosure of the cost of lobbying campaigns; and exempting lobbyists from registration if communication with a public office-holder is limited to a request for information.

Conflicting opinions were expressed regarding the ability of the code of conduct to be enforced. Frankly, I remain unconvinced that the code is truly enforceable. In addition, the noticeable absence of penalties for failing to abide by the code continues to be of concern. I urge close monitoring of the code in the coming months and years to properly assess its effectiveness.

As well, a number of witnesses raised concerns about the lack of disclosure of lobbying campaign costs. The government has repeatedly stated that Bill C-15 will increase transparency and yet, during testimony, Mr. Rock expressed the view that disclosing lobbying budgets would not improve the legislation.

I am strongly in favour of disclosing lobbying costs, particularly in light of the electoral financing reform legislation being considered by the other place at this time. Bill C-24, as it is known, effectively eliminates corporate donations to political parties. If passed, this bill may result in the displacement of funds traditionally donated to political parties into lobbying campaigns. This area must also be regularly and closely monitored and reported on when the act is revisited in five years' time or earlier if a potential problem is detected.

Honourable senators, whether a request for information should trigger registration is another issue that has been debated repeatedly since Bill C-15 was introduced. One of the stated goals of the proposed legislation is to clearly specify what qualifies as lobbying. It is questionable whether the bill actually accomplishes this.

According to a number of lobbyists who appeared during committee hearings, information-seeking comprises a significant portion of lobbyists' activities. Where a request for information ends and lobbying begins is often very difficult to discern. Making this distinction is essential to preserving the integrity of the interactions between lobbyists and public office-holders. A clear definition of what is meant by a "request for information" would clarify this for both lobbyists and government officials charged with enforcing the act.

[The Hon. the Speaker]

As it currently stands, Bill C-15 does not require lobbyists to register if communication is restricted to a request for information. Clearly, this exemption is an important one. I agree that if all requests for information triggered registration, the lobbyist registry would be awash with useless records. However, despite this, many concerns have been raised about the potential abuse of this particular clause as a loophole, one that may be used by lobbyists as an excuse not to register.

Let me be clear: The vast majority of lobbying activities have been, and I am confident will continue to be, conducted within the laws and rules established, and the vast majority of lobbyists will recognize the value of registering. It is the rotten apple that we need to be prepared for. Providing a clear definition of what is meant by a request for information would go a long way toward eliminating such a loophole.

The lack of a consensus on what constitutes a "request for information" may have a significant legal implication as well. Mr. John Chenier, a long-time follower of lobbying activities, pointed out that attempts to prosecute lobbyists under this clause may prove very difficult indeed because of the absence of this definition. The courts are likely to have as much difficulty trying to sort out how one defines a request for information as they did trying to determine what was meant by "an attempt to influence."

There is also evidence that lobbyists desire a clear definition of what constitutes a request for information. Ms. Carole Presseault, President of the Government Relations Institute of Canada, a coalition of some 130 lobbyists, indicated the following:

In order for legislation and the registry to be meaningful, only those activities that constitute legitimate lobbying activities — versus research for example, or collecting information — should be reported.

Clarity is a critical factor in ensuring compliance. To this end, we wish the Committee to consider instructing the Registrar to issue a directive clarifying what constitutes a communication restricted to a request for information, exempt from registration under the proposed section 4(2)(c) of the act.

Honourable senators, although the passage of Bill C-15 will, in my opinion, improve the legislation governing lobbying activities, I believe the potential loophole created by the lack of a clear definition of a request for information or for information is a major weakness of this bill.

MOTION IN AMENDMENT

Hon. Consiglio Di Nino: For this reason, I propose, seconded by Senator Murray:

That Bill C-15 be not now read a third time but it be amended in clause 3, on page 2, by adding after line 18 the following:

"(3) Section 4 of the Act is amended by adding the following after subsection (2):

(2.1) The Governor in Council shall make regulations respecting the meaning of the word "information" and

specifying any circumstances under which a communication shall be considered not to be restricted to a request for information, for the purposes of paragraph 2 (c).

(2.2) Before the Governor in Council makes regulations under subsection (2.1), the proposed regulations shall be laid before each House of Parliament and shall be referred to the committee of each House that may be designated or established for that purpose.

(2.3) The Governor in Council may make regulations under section (2.1) only if

(a) neither House has concurred in any report from a committee respecting the proposed regulations within thirty sitting days following the day on which the proposed regulations were laid before the House, in which case the regulations may only be made in the form laid;

(b) both Houses have concurred in a report from a committee approving the proposed regulations, in which case the regulations may only be made in the form concurred in; or

(c) either House has concurred in a report from a committee approving an amended version of the regulations and the other House has concurred in that amended version, in which case the regulations may only be made in the form concurred in.

(2.4) For the purpose of subsection (2.3), "sitting day" means, in respect of either House of Parliament, a day on which the House sits."

• (1510)

Hon. Jeremiah S. Grafstein: Honourable senators, would Senator Di Nino take one question? I have not had an opportunity to consider this amendment. I was a member of the committee, but it is important that all senators have an opportunity to carefully examine this rather complex amendment. Could the honourable senator tell me whether he shares my concern that the definition of the "target of lobbyists" treats the ministries, the ministers, the members of the House of Commons and senators equally as targets of lobbying? Does the honourable senator think that this is appropriate under our Constitutional sharing of powers between the executive, the House of Commons and the Senate?

Senator Di Nino: Honourable senators, Senator Grafstein and I sat on the committee and I recall that issue being raised. I agree with the honourable senator that there should be some distinction. I directed my attention specifically to those three areas, which I pursued during my participation at committee. I do share the concern that there is a difference between lobbying a senator and lobbying a minister of the Crown. I not only agree with Senator Grafstein on this issue, but I also wish that the honourable senator would propose an amendment to this effect, which I would be happy to second.

Senator Grafstein: Honourable senators, I have a final question on the scope of the bill, which is broader than any bill I have seen. It includes any discussion or any contemplation of a future policy. Does it cause concern for the honourable senator that this might be almost impossible to enforce because of the vagueness of the contours of the jurisdiction set out in the bill?

Senator Di Nino: Again, I must agree in general with the honourable senator on this point. I am somewhat concerned that this bill is being rushed through the house, particularly when it affects every single member of both Houses of Parliament and, effectively, every single employee of the Government of Canada. The house has heard from those who have responded to questions on this issue that this bill has been around for a few months.

Obviously, Senator Grafstein was in committee, as I was. I certainly think that a great deal more thought is needed. I could have proposed an amendment on the three points that I raised and on other points that were raised during committee. The problem is that, once this bill is enacted, it will be almost impossible to amend because any commentary or any criticism would be seen as self-serving. Anyone who would be directly involved could be accused of a conflict of interest — of trying to diminish his or her responsibility — which is far from the case.

Honourable senators heard more than once during committee that there is no problem, other than — perhaps, in perception or in reality on occasion — with the highest level of the executive. Members of the House of Commons or members of the Senate have rarely been confronted with such a situation as could be prompted by this proposed legislation.

If the honourable senator is suggesting that this should have much more thought and discussion and that we should debate this issue further, then I am in total agreement.

Hon. Bill Rompkey: I hate to disagree, honourable senators, but there is an old adage that reminds us that we should not let the perfect be the enemy of the good. Bill C-15 is good; it is an amendment because it proposes to close loopholes and tighten existing legislation that, as Senator Di Nino said a moment ago, has not been the cause of great problems. The bill does not deal with grand criminal activity, but it does deal with an important piece of legislation, which the bill proposes to improve, and an amendment has already been adopted.

Honourable senators could continue to propose amendments to try to make Bill C-15 perfect. However, I would suggest that there will be time to do that later. Honourable senators could draw the legislation back at any time. If the house were to propose further amendments, it would require time for further consideration. The bill is at third reading, and I suggest that we move it forward and leave further consideration to another time.

Senator Di Nino: Honourable senators, was that a question? Although the words of Senator Rompkey were not phrased as a question, it would be appropriate for me to respond. I did acknowledge, in my presentation, that the bill moves us forward, although it creates a different set of problems.

The house has not addressed, at least to my satisfaction, the issue to which I spoke earlier concerning the request for information. Would it mean that one would ask: Mr. Minister, Mr. ADM, or Mr. Senator, when is this meeting to take place? Would it lead to such questions as: Who will be at the meeting? Would that information be useful to a lobbyist who should, in effect, then register as a lobbyist if he or she seeks out information? Such a discussion could continue for 15 minutes and could include the latest score of the Blue Jays baseball game as well as how many witnesses the other side has.

At some point in time, this fuzzy, uncertain term, “request for information” could lead to problems. Most lobbyists will do their job well and they understand the value of complying with the rules of the game. Those who may wish to abuse those rules, in my opinion, may well find that we will be creating a new loophole with the passage of this bill. For my purposes, allow me to put on the record that some honourable senators are concerned about some of these issues.

Hon. Lowell Murray: Honourable senators, I agree with the Honourable Senator Rompkey that this proposed legislation is a step forward. I may also say that the committee has done an excellent job. It has thoroughly explored the proposed provisions contained in the bill, and heard representations from various interested parties and expert witnesses. I do not take much credit for that, although I am a member of the committee. Members of the committee are aware that I have been able to attend only the Wednesday meetings of the committee because the Tuesday meetings conflict with the meeting time of the Standing Senate Committee on National Finance, which I chair.

I read the transcripts of all the meetings, especially those when I was unable to attend, as carefully as I could. I disagree with Senator Rompkey on the question of whether we should give consideration to further amendments at third reading.

One amendment has been adopted, so the bill will go back to the House of Commons anyway. Senator Di Nino has proposed an amendment that was quite thoroughly discussed at committee. The honourable senator does us a service by bringing the amendment forward now and by exposing, for the house, the arguments that were made in favour of that particular amendment.

• (1520)

Senator Rompkey has not offered a reasoned opposition to the substance of the amendment. He has simply brushed it off by saying, “Now is not the time; another time we can come to that,” as indeed we may.

I should like to say a word or two in support of the amendment. As a matter of fact, I have another amendment to propose, but I will do that after this one has been disposed of.

In the interests of balance and equity, let me state the provision of the bill that causes the concern. While I do not have the bill in front of me, our friend Senator Joyal read into the record one day at the committee the text of the provision that we are dealing

with. It is an exception to the requirement for registration, and it is section 6 of the act. The exception is formulated as follows: "Any communication for the sole purpose of inquiring as to the nature or scope of the legal rights or obligations of the client and enterprise or a group does not constitute a lobbying activity and, as such, is excluded from the application of this act." That is the provision that Senator Di Nino wants to change — indeed, wants to eliminate.

As Senator Rompkey did not do so, if he had decided to make a reasoned argument against the amendment, here is what he would have said. I will offer him the words of Mr. Wilson, the Ethics Counsellor, who is a public servant and did appear as a witness before the committee. While he was not vigorous as befits a public servant in his opposition to this amendment, he gave, I suppose, a reasoned comment as to why it is not necessary. He said:

Our conclusion was that lobbying is not a single event. It is usually part of a broader process....

The simple act of obtaining a piece of information, very singular, may have legitimacy in a certain circumstance where you have been asked for a piece of information. We thought that that should not necessarily bring forward a registration....

Our view was that this exception —

— and that is what Senator Di Nino is talking about —

— would enable a number of lobbying firms to ensure that staff could phone and obtain information as to when an event or meeting would take place. That would not affect the overriding requirement that the lobbyist would have other encounters over a period of time, all of which would bring forth a requirement to register.

We did not see this as creating an exception that would cause a loophole, nor would it ignore the reality that conversations are often very complex.

That is the position of the government, I think, on this matter so far, unless I can persuade honourable senators opposite to support Senator Di Nino's amendment.

The argument I would make in favour of this amendment — and it was reinforced by testimony from other witnesses at the committee, to which I will refer — is that most of the lobbying activity in this town at least starts with telephone calls or meetings purportedly seeking information. Anyone who has been on the receiving end of these calls knows that the first thing they say is, "I am just calling for a bit of information." Then they go on to seek information — often that they are not entitled to, they should not have, but probably have anyway and are calling to confirm. I will not go into that in great detail, although I did at committee.

Mr. Chenier, the editor of ARC publications, who is the editor of the *Lobby Monitor*, described the situation very well. He said:

...this bill, like its predecessors, continues to leave out much lobbying activity, making reporting and disclosure almost voluntary. That is predominantly because of the information-seeking clause that has been inserted in this bill.

He goes on later during questioning:

...it seems to me a typical lobby campaign in Ottawa involves probably 80 to 90 per cent information seeking. Where do people stand on the issue? Who are the key players? What are the key issues being discussed? Who is the opposition? Much of the lobby core in Ottawa, much of the government relations core, spend most of their time simply finding out the answers to that by using their contacts. Many of them come from government, as you know, either from ministerial offices or government departments, and they use their contacts to find out what is happening on an issue on behalf of their client. Then they go back in and they sit down with their client and strategize. What will we do? Who do we have to see? What are their weak points? What are their good points? Who should we send in?

He goes on:

Under the current act and under the proposed act that is not a registerable activity, yet that accounts for most of the work of the lobby community in Ottawa.

I take Senator Rompkey's point that we are not talking here — I hope and believe — about trying to stop blatantly criminal activity or anything of the kind. What we are talking about is putting as much transparency as we can into this system so that all of what common sense tells us is lobbying activity is registered and is open to public scrutiny.

As Mr. Chenier said:

You just take away the information-seeking aspect because, believe me, they are not seeking information just out of curiosity. They are seeking answers because it is part of a strategy, part of a campaign in which they are engaged."

I believe there is a provision in the bill that a corporate person who spends less than 20 per cent of his time lobbying need not register as a lobbyist. Where a consultant lobbyist calls ministers, ministers' staffs, members of Parliament or senior public servants, ostensibly to get information, and trades information — because that is the way the system works in this town — that is the first phase; he or she does not have to register that activity.

The second phase is a corporate executive, who does less than 20 per cent of his time lobbying, and comes in to make the case. How much of the whole exercise on that particular policy, that particular bill, that particular decision is transparent and open? The answer is almost none of it.

There is a great deal of merit in the amendment Senator Di Nino has proposed. I will certainly vote for it. It is a simple but very substantial improvement in the bill as it is now written.

The Hon. the Speaker: Are honourable senators ready for the question on the amendment proposed by Senator Di Nino?

Senator Grafstein: I find myself at a bit of a disadvantage. I have not yet looked at the text or been given the text of Senator Di Nino's amendment which, on the surface, seems interesting. I do not want to commit myself to that. I would hope that, with the indulgence of senators, I could take the adjournment and perhaps address that amendment in some of my other comments as soon as possible tomorrow.

• (1530)

Senator Murray: Are we adjourning debate on this amendment? I have another amendment. I can talk to it today, or I can talk to it tomorrow, as the Senate wishes. I see a shaking of the head.

The Hon. the Speaker: The whip has a comment.

Hon. Terry Stratton: I suggest we deal with it now, one at a time.

The Hon. the Speaker: Senator Grafstein, you were about to make a motion to adjourn. The suggestion has been made by some honourable senators that we deal with this amendment now.

Senator Grafstein: I prefer to hear all the amendments from the opposition side. That will give me an opportunity to review them all and to comment.

The Hon. the Speaker: Honourable Senator Grafstein, unless there is unanimous agreement to do so, the amendments must be dealt with seriatim. You will not hear them all unless there is unanimous agreement.

Senator Grafstein: I will withdraw my motion to adjourn and see where we go.

The Hon. the Speaker: I will ask again, honourable senators: Is the house ready for the question on the motion of Senator Di Nino to amend the bill?

Senator Murray: Do you want to hear my amendment or not? Is it in order, or not?

The Hon. the Speaker: Honourable senators, we could have an amendment with one subamendment, but unless there is unanimous agreement, we cannot hear another amendment until we deal with this one before the house.

Senator Di Nino: Honourable senators, I must apologize. When I was given the amendment by the legal department, I was only given it in English. One of the Table officers, I believe, is working on this as we speak. Perhaps we could go on, with the indulgence of our colleagues, with Senator Murray's amendment and then deal with them both in a few minutes.

Senator Prud'homme: No.

The Hon. the Speaker: We would require unanimous consent to hear another amendment at this time. Perhaps Senator Grafstein's motion to adjourn is not such a bad idea. It would give the Table time to translate.

Senator Grafstein: Honourable senators, with respect to having an amendment that is not in both official languages, I will take the adjournment.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, when senators have amendments to introduce, I would invite them, if possible, to produce enough copies to be distributed in both languages. That way, all senators will be able to acquaint themselves with the substance of the amendment, and will not be faced with something they are not familiar with and be unable to speak on topic.

[English]

The Hon. the Speaker: We are dealing with a matter of house business.

Senator Di Nino: I apologize to my colleagues. The Law Clerk's office prepared the amendment. I am 99 per cent certain that I saw the French version. I probably did not pick it up. As we know, information is not normally provided only in one language. I thought I had it with me when I came into the chamber, but it did not occur to me to make enough copies for distribution. I extend my apologies to colleagues.

Hon. Bill Rompkey: I wish I had stood before the apology, because I wanted to comment on process. Senator Murray made the comment that I did not talk too much about substance. The fact is that I had not seen an amendment. I heard a verbal representation of the amendment by Senator Di Nino, but I did not see it.

It is true that we did discuss certain topics in committee, but as to process, we did submit an amendment to the committee. It was distributed. Everyone saw it. We read it. We reflected on it. We debated it. We passed it. Now, several weeks later, after having heard that discussion in committee and trying to figure out what the amendments will be, we suddenly, on the floor of the chamber, have a verbal representation of an amendment that we have not seen on paper and that has not been distributed to us in either official language.

As I say, I wish I had stood up before the apology was made because I really do not think that this is how we should be proceeding. These are serious topics, although they may not be urgent topics. My belief is that we have had a good run at this bill. We have examined it. We have proposed an amendment. We should now pass it and get on with our amendments at some later date.

The Hon. the Speaker: Honourable senators, these matters will be dealt with at our next sitting.

On motion of Senator Grafstein, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-10B, to amend the Criminal Code (cruelty to animals), with amendments) presented in the Senate on May 15, 2003.

Hon. George J. Furey moved the adoption of the report.

He said: Honourable senators, I am pleased to move the adoption of this report. I thank the committee members and the many witnesses who helped us in our deliberation on this very, at times, difficult topic. I also thank the deputy chair and my colleague, Senator Beaudoin, for being kind enough to present the report at the last sitting of the Senate, when I was unable to be in Ottawa.

At this point, I should like to make some comments pursuant to Senate rule 99 to provide honourable senators with some reasoning for the amendments proposed and some possible effects that the committee expects such amendments may have.

Senators are aware that, some time ago, the government introduced legislation modernizing the animal cruelty section of the Criminal Code. There was a sense that these provisions of the code needed revision to address certain societal concerns. The evidence that our committee heard suggested that, indeed, a legislative response was needed to address an increasing number of incidents of reported cruelty. Your committee accepted this rationale, and Bill C-10B addresses this primary issue by amending the current Criminal Code provisions by increasing the length of sentences for acts of cruelty against animals.

Department of Justice officials informed our committee that it was not the intent of the bill to create new law, but rather to significantly increase the penalties for those found guilty of abusing animals. Your committee fully accepts, endorses and, indeed, adopts this policy and, to this end, absolutely no changes have been made to the significantly increased penalty provisions of this bill.

The government brought forward a number of other changes in the bill that your committee studied carefully. The government thought it wise to remove the animal cruelty provisions from the property section of the Criminal Code. There was some concern raised about the possibility that the courts would no longer see animals as property. The government assured the committee, and various legal experts commented, that the movement of these provisions would not affect the property status of animals. However, it became clear to your committee that the words of Mr. Justice Lamer, spoken in 1977 in the celebrated *Menard* case, have become the guiding animal cruelty principles for Canadians.

Justice Lamer, in this important animal cruelty case, stated that by making provisions for animals in the Criminal Code, we do not give animals rights per se. Rather, we impose on ourselves certain

minimum standards of conduct when we go about our daily lives using animals for our needs. Justice Lamer stated that we are free to kill animals and we are free to cause pain to animals but, when we do so, we must take care that we are doing it for a legitimate purpose, and that we are only inflicting pain that is necessary to accomplish our human needs.

• (1540)

The government informed your committee that its purpose in introducing Bill C-10B was to retain and emphasize the principles laid down by Justice Lamer in this 1978 Quebec case *R. v. Menard*. The committee was encouraged by the government's reassurance on this point because, as you might expect, we did not want to arrive at a state of affairs in criminal law where ordinary activities that are perfectly acceptable, such as hunting and shooting wild game, might be prohibited under this amendment.

The committee has now reported the bill back to the Senate for your consideration. The committee has suggested four substantive amendments to the bill that the committee believes are important improvements to the original version.

I should point out that there is a fifth amendment, but honourable senators will know that the fifth amendment is purely a housekeeping amendment. It merely changes one word in the French version from "des" to "aux". It is purely a grammatical change and has nothing to do with the substance of the bill.

The four other amendments are substantive. They are as follows: One, we are recommending the definition of animal be changed. Two, the bill creates a new crime of wilfully killing an animal without lawful excuse and the committee is recommending that this be removed. Three, the traditional defence of colour of right no longer applies as the bill is written. Your committee is recommending that the defence be retained with explicit language in the bill. Four, we recommend that a clause be added stating that traditional Aboriginal hunting practices should be considered lawful but should, nonetheless, be subject to the general law against animal cruelty.

Honourable senators, I shall attempt to explain to this chamber the rationale behind these proposed amendments. The first is the definition of "animal." The government's proposed section 182.1 reads as follows:

In this Part, "animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

Because of our concerns that ordinary activities of Canadians, such as fishing and hunting, not be put into question, the committee called for evidence from a number of witnesses. For instance, pain experts testified and suggested to us that the state of science regarding certain types of animals was vague and uncertain regarding pain. This evidence was important because the government had chosen to introduce a definition of animal in Bill C-10B which would have made it a crime to cause unnecessary pain to animals other than vertebrates who have the capacity to feel such pain.

The experts informed us that this was problematic in a number of areas, most importantly regarding a group of animals called cephalopods. Cephalopods have a developed cortex and, as such, it is questionable whether they have the ability to actually feel pain. The cephalopods in question are squid, octopus and cuttlefish.

The committee thought it wise to amend the definition of "animal" to include only vertebrates, those animals that we would traditionally think of as appropriately covered by the Criminal Code. Indeed, the Department of Justice officials have agreed with this change. They would prefer different wording.

I urge senators, therefore, to support your committee's proposed amendment to the change in the definition clause of Bill C-10B.

The second issue to which the committee turned its attention was a provision introduced by the government making it a crime to wilfully kill an animal without lawful excuse. Government officials informed the committee that it wanted to ensure that the illegitimate killing of an animal, without inflicting any excessive pain, was made a crime. The position of the government was that the act of simply killing an animal without pain had to be addressed.

Your committee was deeply concerned with this new crime. The present Criminal Code does not make it a crime to kill wild animals. It is a crime if one kills an animal causing unnecessary pain or suffering; however, many of the activities that Canadians legitimately engage in would be threatened by this new crime. The government assured your committee that the provision was acceptable because it allowed people to plead lawful excuse if they were charged.

However, honourable senators, the effect of this provision is that a charge could be laid against a person who holds a provincial hunting licence for carrying out the ordinary activity of wilfully killing a moose. The person would essentially be guilty in law and would be required to show a judge that he should be excused from the offence because he held a provincial permit. The committee did not think it was the intention of Parliament to radically alter the legal status of the hunting and fishing activities of ordinary Canadians.

The committee investigated this issue further and heard evidence that in fact provincial hunting permits would likely not constitute excuses under the Criminal Code. A provincial law cannot constitute an excuse under a federal statute, particularly under a federal statute such as the Criminal Code. This is a well-recognized principle that this chamber dealt with in the lotteries legislation several years ago.

The Supreme Court of Canada, in the case of *R. v. Jorgensen* has clearly stated that provincial permits are not lawful excuses. Because this was a significant change to the bill, we believed we had to address the removal of the new offence and find another way to address the concerns of the Department of Justice. We wanted to make the whole concept of not killing animals far less ambiguous.

Honourable senators, to add to the committee's worry on this particular issue, the committee was told that provincial hunting

permits would be a defence to the new killing provision because hunting has always been a common-law right and therefore would be a lawful excuse. However, your committee was concerned that, if the offence were codified, it would extinguish the common-law right and defences as well. Of equal concern to your committee was the notion that a provincial permit does not constitute a lawful excuse. As was pointed out in *R. v. Jorgensen*, an adult video-store owner had obtained a provincial permit to rent a particular video from his store. The provincial permit specifically stated that the video was not obscene. The police charged the owner under the Criminal Code and the Supreme Court of Canada stated that his provincial permit was not a lawful excuse for the Criminal Code charge.

While that ambiguity exists, honourable senators, we felt it was too much to think that, down the road, ordinary Canadians engaged in the ordinary activities of hunting moose, deer and caribou would find that they were doing it with provincial permits which some judge would tell them could not be used as a lawful excuse. Surely that is not what Parliament intended.

This was a clear case and a clear signal to the committee that we had to take care not to put provincial conservation regimes in jeopardy. The committee considered that the best approach was to remove this new crime and to address the government's main rationale for introducing this concept elsewhere. Hence the amendment accomplishes the goal of the department officials without creating a new offence. The revision would be added toward the end of proposed section 182.2(1)(a) and would read that one could not cause "unnecessary pain, suffering, injury to, or the unnecessary death of, an animal."

• (1550)

Some members of the committee would argue that injury would include death because the ultimate injury or harm to an animal would be taking the life of the animal. However, to satisfy the Department of Justice officials, we added the words "or the unnecessary death of."

Honourable senators, the third issue concerns colour of right. The committee turned its attention to this issue because the government was moving the animal cruelty provisions out of the property section of the Criminal Code where those provisions are today. People who are charged under these sections may avail themselves of a specific defence available for property-related crimes. Today, people charged under the property section of the Criminal Code may argue that they had a colour of right to deal with the animal in the manner that they did. As the government was removing the cruelty provisions from the property section, it followed that the colour of right defence set out in section 429 would be unavailable to people charged under the new cruelty provisions.

The committee heard much evidence on this issue. The government suggested that the colour of right defence was included implicitly in another section of the Criminal Code, section 8(3). Therefore, there was no need to worry about this elimination of specific reference to the colour of right defence.

Your committee heard experts suggest that the specific words should be retained in order to allow a person to use the defence. More important, your committee considered what the Supreme Court of Canada said about the necessity of referring directly to the defence of colour of right.

The Supreme Court of Canada stated that in order to use the colour of right defence, it must be specifically mentioned in the Criminal Code offence section. In the well-known case of *R. v. Jones and Pamajewon* in 1991, Justice Stevenson, speaking for the court, rejected that the colour of right defence did not need to be specifically written into the offence section.

This was the approach taken by the defendant in the *Jones* case. The court rejected this defence stating that "The appellants cited no authority for the proposition that colour of right is relevant to any crime which does not embrace the concept within its definition."

The Hon. the Speaker: Honourable Senator Furey, I am sorry to interrupt, but it is a report and unfortunately only 15 minutes is allowed, which has expired.

Senator Cools: Let him speak.

The Hon. the Speaker: Honourable senators, is leave granted to allow Senator Furey to continue?

Hon. Senators: Agreed.

Senator Furey: Thank you.

Honourable senators, due to the concern that defences not be removed from the code inadvertently and because it was the explicit purpose of the government to not change the substance of the legislation, the committee thought it best to add the colour of right defence to the bill, which we have done.

Justice department officials agreed with us that it should be in the bill. However, the wording that they presented for a colour of right defence did not meet the standard for the committee. Therefore, we changed the wording a bit. I am not sure if the Department of Justice is happy with the wording, but there have been some changes to what they suggested. The bottom line is that the Department of Justice officials did agree with us that specific reference to colour of right defence should be in the bill.

Finally, the committee turned to perhaps the most controversial issue — that is, whether the bill would affect Aboriginal hunting practices. The committee was concerned that traditional Aboriginal hunting practices might become subject to criminal charges because of the increased importance that society and Parliament places on the humane treatment of animals. The committee carefully considered this issue, and senators were unanimous that the same rules of conduct would apply to all Canadians.

The committee carefully reviewed the case law and realized that Justice Lamer in *R. v. Menard* did not specifically include the practices of our Aboriginal Canadians in his analysis. This does

not mean that their practices would not be considered lawful — quite the opposite. There is a growing body of case law in Canada that specifically discusses the legitimacy of traditional Aboriginal practices. The committee was interested in codifying the legitimacy of traditional Aboriginal practices.

Honourable senators, let me make it perfectly clear that this is not an amendment exempting Aboriginal persons from the cruelty provisions of the bill. In this amendment, your committee specifically states that traditional Aboriginal practices are lawful. However, most important, the amendment goes on to state that those practices are lawful only insofar as they impose reasonably necessary pain on the animal.

A careful consideration of these words will demonstrate that this is precisely the same rule that applies to all in the treatment of animals in Canada. This rule is no stricter and certainly no more forgiving of unnecessary pain caused to animals.

Your committee wanted an amendment that ensured that traditional Aboriginal hunting and fishing rights are not abrogated or derogated from by this bill. At the same time, your committee wanted to make it abundantly clear that the federal government has the right, and indeed the responsibility, to regulate the exercise of those rights.

Hence, the amendment clearly states that it does not give Aboriginal peoples or anyone else the right to cause more pain to animals than necessary. There is no exemption here.

In conclusion, honourable senators, I think that I am accurate in saying, the amendments to Bill C-10B proposed by your committee focus on maintaining the critical distinction in Canadian law between legitimate activities that Canadians cherish and the pain and suffering committed on animals that is unnecessary.

Honourable senators will be interested to note that Canadians have always thought similarly about this issue. Inaccurate publicity sometimes leads one to suspect that Canadians in the past were less sensitive than they are today regarding the issue of animal cruelty. This is not so. It has never been so. The twenty-eighth law that our young country passed on June 22, 1869 was entitled: "An Act respecting cruelty to Animals." This law was considered important enough that it was moved by Sir John A. Macdonald and seconded by George-Étienne Cartier.

The act read:

Whosoever wantonly, cruelly or unsuccessfully beats, binds, ill-treats, abuses or tortures any Horse, Mare, Gelding, Bull, Ox, Cow Heifer, Steer, Mule, Ass, Sheep, Lamb, Pig or other cattle or any Poultry or Dog or Domestic Animal or Bird (is guilty of an offence).

Those senators who might be concerned that it would be improper for the Senate to suggest to the Commons certain amendments to this legislation may take comfort in the words that Sir John A. Macdonald used in third reading in the House. He said:

The House concurred in the amendments made by the Senate to the Bill to avoid the necessity of having the Documents engrossed on Parchment.

Honourable senators, I recommend the report of the committee to this chamber and I humbly seek your support.

Hon. Yves Morin: Honourable senators, did the committee consider referring to the guidelines of the Canadian Council of Animal Care under which virtually all scientific research in Canada is conducted? There are precedents for this.

For example, Bill C-13, which we will be receiving soon, refers to guidelines from CIHR. It would have been simple and easy for all scientific research to refer to CIHR, which conducts scientific research in this country.

• (1600)

Senator Furey: Honourable senators, the committee did indeed consider the CIHR reports. We have had those for a number of months. There are some very fine and noble ideals for the treatment of animals in the reports. We were quite happy with them. However, we did not adopt them in the bill because we wanted to deal with what is currently the law in Canada, which is based on the *Menard* case. We wanted to import the defences and concepts from the *Menard* case so that people such as those engaged in experimentation or those engaged in any type of animal husbandry, including slaughter of animals for legitimate reasons, would be protected. Indeed, they are protected if the approach they take is humane and does not cause more pain than is necessary in the circumstances.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, the primary objective of Bill C-10B was to modernize the provisions of the Criminal Code dealing with cruelty to animals.

The highlights of the bill were the following: to provide a definition of "animal," create a new part to the Criminal Code for offences relating to animal cruelty, expand certain provisions and increase the maximum penalties that are available.

Extensive consideration of the bill has highlighted a number of concerns that witnesses and senators have. One of these concerns had to do with the stiffer penalties for cruelty to animals. Under the current provisions, the offences are generally summary conviction offences. This means that the accused is liable to a maximum of six months' imprisonment and/or a fine of not more than \$2,000.

Under the new provisions of Bill C-10B, the offences would be hybrid offences punishable on indictment, by a maximum of five years' imprisonment, or by way of summary conviction, by 18 months' imprisonment and/or a \$10,000 fine.

[Senator Furey]

Also, the bill adds a new feature to the provisions dealing with cruelty to animals by authorizing a court to order, on application by the Attorney General or on its own motion, that the accused pay reasonable costs incurred to take care of the animal. Payment could be made to any individual or organization that cared for the animal and would include such costs as veterinarians' bills and shelter costs, if these were readily ascertainable. There should no longer be any doubt that our hope is that crimes against animals will not be taken as lightly as previously by the judicial system and that cruelty to animals will be dealt with more effectively.

The committee adopted five major amendments.

First, the definition of the word "animal" had to be amended. For the application of the current provisions, the word "animal" was not defined.

The capacity to feel pain is a controversial notion. Scientists are divided on the issue of knowing which animals can feel pain, and to what extent. Scientific evidence seems to indicate that most invertebrates do not feel pain. Therefore, the legislation would not apply to them, until the contrary could be proven. The fact that vertebrates can feel pain has been established much more clearly.

The definition of animal in Bill C-10B is far too vague and could criminalize people who, in all likelihood, would have no way of knowing that their actions could be considered a criminal act for which they could be held responsible. Deciding if a living being can feel pain is one thing when viewed from the medical or scientific angle; however, it is quite another thing when dealing with criminal provisions. The perspective of science is very different from that of the law.

The definition of animal in Bill C-10B was not static and could have changed over time, which means that it could one day become incompatible with the objectives of the bill without there being any debate about this. Parliament must not abdicate its responsibility and leave the matter to the courts. It is up to Parliament to establish the scope of criminal laws. We can always change the definition, should scientific facts demonstrate that the definition needs to be expanded to include other species.

Clause 8 of Bill C-10B creates a new Part V.1 of the Criminal Code entitled: "Cruelty to Animals." The bill would move the cruelty to animals provisions that are currently found in Part XI, entitled: "Wilful and Forbidden Acts to Certain Property" to this new Part V.1.

Some worry that this change will translate into a philosophy based on animal rights and that the ideological movement that supports the emancipation of animals is making progress. However, I believe that the issue of a new part of the Criminal Code for offences involving animals is appropriate to highlight that animals are not objects that humans can use as they see fit, but living creatures that deserve to be treated in a way that is free of cruelty.

The Committee's main concern in this connection relates to the defences available to an accused person. The current provisions state that: "No person shall be convicted of an offence under sections 430 to 446 where he proves that he acted with legal justification or excuse and with colour of right." The provisions in Bill C-10-B stated that, in certain cases, there would be an offence if the person acted "without lawful excuse."

The exclusion of the defences set out in Criminal Code subsection 429(2) is one of the consequences of having deleted from Part XI of the Code the provisions relating to cruelty to animals, and this was a serious concern for several of the witnesses before the Committee. They feared that a number of activities currently in compliance with the law — hunting, trapping, medical research, animal husbandry, et cetera — would, from now on, be considered violations of the animal cruelty provisions. Some of them claimed that, if they could not use the defences set out in 429(2) of the Criminal Code, for example the lawful excuse provision and the colour of right defence in particular, they would lose part of the protection enjoyed under the present provisions. They did not believe that the colour of right defence in 429(2) was maintained in the common law defences in subsection 8(3).

The Department of Justice argued that subsection 429(2) is not crucial for the accused, since accused persons may make use of all means of common law defence, excuses and justifications under subsection 8(3) of the Criminal Code. The Department also stated that 8(3) allows the use of the colour of right defence. The bill read as follows:

For greater certainty, subsection 8(3) applies in respect of proceedings for an offence under this Part.

• (1610)

We are being told that, since the bill proposed to exempt animal-related offences under subsection 429(2), the courts could ascertain that Parliament no longer wanted to employ the defences set out in subsection 429(2) with respect to these offences. Consequently, the committee felt that specific mention of such defences was not redundant.

The colour of right is a sticky issue. Case law from the Supreme Court of Canada and provincial appeal courts is not clear. It is preferable, therefore, to be prudent and maintain the status quo, to specify the defences that can apply with regard to cruelty to animal-related offences.

As I mentioned, the provisions of Bill C-10B set out that, in certain cases, it would constitute an offence if the person was acting "without lawful excuse." For example, under the legislation, everyone commits an offence who, wilfully or recklessly, kills an animal without lawful excuse. Currently, it is an offence to kill, maim, wound, and voluntarily injure cattle or to kill, or simply say that the rights of Aboriginals are protected under section 35 of the Constitution Act, 1982, and that it will suffice to submit any problems that may arise to the courts.

The committee therefore agrees to add the following text:

No person shall be convicted of an offence under paragraph (1)(a) if the pain, suffering, injury or death is caused in the course of traditional hunting, trapping or fishing practices carried out by a person who is one of the Aboriginal peoples of Canada in any area in which Aboriginal peoples have harvesting rights under or by virtue of existing aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*, and any pain, suffering or injury caused is no more than is reasonably necessary in the carrying out of those traditional practices.

With this addition the committee does not intend to exempt Aboriginals from this legislation, but simply to clarify existing constitutional and ancestral hunting and fishing rights of Aboriginals. The paragraph contains an objective element.

It is important that Parliament establish guidelines for this bill in this regard, rather than letting the courts decide in each instance if the pain, suffering and injuries inflicted on animals are unnecessary. Aboriginals have the right to know in advance what activities will be permitted under the amendments to the Criminal Code proposed in this bill.

The observations appended to the third report of the committee deal with non-derogation clauses in proposed legislation. This is a difficult and complex area of law. The Minister of Justice has made a commitment to review the use of non-derogation clauses in federal statutes. In its observations, the committee said that this is no longer an issue to be addressed in a piecemeal fashion and the committee intends to follow-up on the Minister of Justice's commitment to deal with this issue.

I believe that the amendments made by the committee to Bill C-10B are intended to shed more light on the provisions dealing with cruelty to animals and that these amendments should be adopted.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, may I ask a question of Senator Beaudoin?

[English]

The Hon. the Speaker: Senator Beaudoin, I regret to advise that your time for speaking has expired. Are you asking for additional time in order to accept questions?

Senator Beaudoin: I would ask for leave.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Kinsella: My question will be of interest to all the honourable senators. Can you explain the origin of the English expression, "colour of right," and give an example?

Senator Beaudoin: This expression translates into French as "apparence de droit." This principle is related to what an accused person thought he had the right to do. It is a common law rule of interpretation. In civil law, the phrase "apparence de droit" is a close equivalent. It refers to the defence permitted an accused person who has committed a criminal act but believed he was within his rights.

It is only a rule of interpretation, however, and it is up to the court to judge. I always like to quote the U.S. Justice Charles Evans-Hughes, who wrote:

[English]

The Constitution is what the judges say it is.

[Translation]

That is a true statement. Nevertheless, the legislative branch must do its duty. It is up to us to create the best laws possible. If the Constitution is violated, the Supreme Court will point that out.

[English]

The Hon. the Speaker: Is the house ready for the question on Senator Furey's motion?

Some Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Fury, seconded by the Honourable Senator Gill, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

An Honourable Senator: On division.

Hon. Senators: Agreed.

Motion agreed to and report adopted, on division.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Jaffer, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1620)

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO HEAR FROM MINISTER OF AGRICULTURE AND
AGRI-FOOD AND OFFICIALS ON INCIDENCES OF
BOVINE SPONGIFORM ENCEPHALOPATHY

Leave having been given to revert to Notices of Motions:

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from the Minister of Agriculture and Agri-Food and his officials in order to receive a briefing on incidences of bovine spongiform encephalopathy in Canada; and

That the Committee submit its final report no later than November 27, 2003.

[Translation]

BUDGET IMPLEMENTATION BILL, 2003

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-28, to implement certain provisions of the budget tabled in Parliament on February 18, 2003.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, to be heard in this house, a senator must be in his own seat. This is the second time a senator, who was not in his own seat, has been given the floor. I believe it is time to remind the house of this practice.

[English]

The Hon. the Speaker: The point has been made, honourable senators, that if a senator is in the chamber, the expectation is that the senator would speak for himself or herself with respect to items that are standing in his or her name. That is a fair request of honourable senators. Thus, I would request honourable senators to please respect that.

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—
SECOND READING—DEBATE ADJOURNED

Hon. Consiglio Di Nino moved the second reading of Bill S-19, respecting Scouts Canada.

He said: Honourable senators, Boy Scouts of Canada is a corporation that, in cooperation with some 3,000 partners across Canada — including service clubs, cultural, faith and community partners — provides valuable services to our nation's youth.

Some 160,000 young people and adult volunteers are directly involved in its programs.

Boy Scouts of Canada has requested that a private act be introduced before the Parliament of Canada for the following reasons: for the better management of its affairs, to consolidate, update and replace the statutes governing it; to change its name from "Boy Scouts of Canada" to "Scouts Canada" to reflect the broadening of the Scout movement worldwide to include both young men and women; and, to reflect its current status as an independent member of the World Organization of the Scout Movement.

I wish to expand on each of these purposes.

The scouting movement was founded in Great Britain in 1907 by Lord Baden-Powell. The Canadian movement was incorporated on June 12, 1914, under the name "The Canadian General Council of the Boy Scouts Association" by a special act of the Parliament of Canada.

Thereafter, from 1917 through 1969, four further special acts were enacted to amend the initial special act. One such special act changed the name of the corporation to "Boy Scouts of Canada."

It is considered desirable, for the better management of the affairs of Boy Scouts of Canada, to consolidate, update and replace the statutes governing it.

In recent years, a new mission statement has been adopted by the World Organization of the Scout Movement, of which Boy Scouts of Canada is a member. The focus of this new mission is on young people rather than on boys. That is reflected in the bill in the corporate object of the corporation, which is "to promote the mission of Scouting among young persons."

The current mission statement of the World Organization of the Scout Movement, which Boy Scouts of Canada has adopted, is the following:

...to contribute to the education of young people, through a value system based on the Scout Promise and Law, to help build a better world where people are self-fulfilled as individuals and play a constructed role in society.

A similar process updating the statutes governing the British branch of the Scouting Movement was recently undertaken. In the Explanation of Amendment to Royal Charter, the following was stated:

...in the United Kingdom today, as in Europe and in the rest of the world, boys and girls are more frequently involved in activities together than in the days when the Royal Charter was originally granted. There is today a worldwide Scout Movement. The Council believes it would be right to bring our main purpose in line with that of the World Organization.

It was further stated that:

...it should be noted that many Associations in Membership of the World Organization of the Scout Movement throughout Europe and the Commonwealth have male

and female memberships over the entire range for which they cater. This does not prevent happy co-existence and cooperation with Associations in membership with the World Association of Girl Guides and Girl Scouts.

In conclusion, the explanation stated the following:

...the Council believes there is a demand in some places and in some circumstances for co-educational provision and wishes to be able to offer that in such cases.

• (1630)

Honourable senators, these comments apply directly to the situation in Canada today and to the amendment requested by the Boy Scouts of Canada.

To reflect the changes in the corporate object of Boy Scouts of Canada and to formally recognize the name by which Boy Scouts of Canada is, at present, commonly known, it is proposed that the name of the corporation be amended in English to "Scouts Canada" and in French to "Scouts Canada." Coincidentally, they are spelled the same in both official languages.

[Translation]

The Association des scouts du Canada was founded to educate boys and teenagers in scouting, as intended by Baden-Powell, based on the principles of the Roman Catholic Church.

The Boy Scouts of Canada and the Association des scouts du Canada have regular cooperation committee meetings. This committee was formed to ensure close cooperation in scouting nationally following an agreement reached between both organizations in 1967 in the presence of the then Governor General, His Excellency the Right Honourable Georges Vanier, Scoutmaster of Canada.

The Association des scouts du Canada adopted a resolution whereby it did not oppose changing the official name to Scouts Canada.

[English]

At the time of its incorporation, what is today known as Boy Scouts of Canada was a branch of the Scout Association in England. While the name of Boy Scouts of Canada has changed from The Canadian General Council of the Boy Scouts Association, its name at the time of incorporation in 1914, to Boy Scouts of Canada, the name change was not accompanied by appropriate changes to the special act to reflect that an independent scouting movement had been formed in Canada.

Over the years, independent scouting movements were established in Canada and a number of other countries in the world. A review of the present special act shows a number of references to the association. These references refer to the association in England. Such references are contained in the object and elsewhere in the special act.

These should be amended to reflect the current status of the Boy Scouts of Canada within the world organization of the scouting movement. Boy Scouts of Canada is clearly no longer a branch of the English organization constituted to provide and maintain an efficient organization in Canada for the purposes of the English association.

Scouts Canada's commitment to the spiritual, social and personality development of young people is evident in the wide range of programs it offers to youth between the ages of 5 and 26. Outdoor adventure is a key component of these programs. Working in small groups, scouts are challenged to test their limits and to strive to reach personal goals.

Scouts Canada's mission is achieved by involving youth in an informal education process. Scouts are encouraged to become self-reliant, responsible and committed individuals. Scouts Canada also assists youth in establishing a value system based on spiritual, social and personal principles.

Scouting is based on three broad principles. They are duty to God, duty to others, and duty to self.

The scouting movement has been an institution in Canada for nearly a century. Generations of young Canadians have benefited from the leadership skills acquired through scouting programs. Scouts Canada's mission and values are as relevant today as they were when the organization was created, and possibly even more so.

Today's scouting experiences are inclusive of boys and girls and, indeed, of young men and young women. Bill S-19 provides an accurate reflection of the present status and mandate of the organization that has served and continues to serve Canadians so well.

I urge all honourable senators to support speedy passage of this bill.

On motion of Senator Jaffer, debate adjourned.

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE— MOTION IN AMENDMENT—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the adoption of the Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendment to Rule 131—request for Government response*) presented in the Senate on February 4, 2003,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Milne, that subsection (3) of the Committee's

recommendations to amend Rule 131 of the *Rules of the Senate* be further amended by replacing the words "communicate the request to the Government Leader who" with the following:

"immediately communicate the request, and send a copy of the report, to the Government Leader and to each Minister of the Crown expressly identified in the report or in the motion as a Minister responsible for responding to the report, and the Government Leader,"

And on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Prud'homme, P.C., that the motion for the adoption of the Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament and its motion in amendment be not now adopted, but be referred back to the Standing Committee for further study and report.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: Honourable senators, I have informed the Honourable Senator Cools that my name will be struck from the Order Paper in connection with this report by the end of this week, at the latest.

Order stands.

STUDY ON THE PROPOSAL OF THE VALIANTS GROUP

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—ORDER STANDS

On the Order:

Resuming debate on the consideration of the Fourth Report of the Standing Senate Committee on National Security and Defence (*study on the proposal of the Valiants Group*) tabled in the Senate on December 12, 2002.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: Honourable senators, I have read this report very carefully.

[English]

However, no one could give me a copy of it, which is probably due to its popularity. One was printed for me. I read it and made a commitment not to speak to it again. However, I have now heard from Liberal members, and an honourable senator from the Conservatives at the request of Senator Atkins. Thus, I will ask that we adjourn this item in my name. However, I may be unable to participate to the full extent since several orders on the Order Paper stand in my name. In case honourable senators do not know, I recently broke three ribs.

To accommodate both sides, I will adjourn the item in my name. However, I do not want to be asked again by the Honourable Senator Kinsella: When will Senator Prud'homme speak to this item?

Order stands.

THE BUDGET 2003

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 18, 2003.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I am pleased to rise today to join in the debate on the budget of February 18.

As I read the budget, for a moment I felt I had been taken back in time to the 1970s. Last year, program spending rose by some 11.5 per cent, or \$14.3 billion. The last time we had a double-digit spending hike was in 1984 at the end of the Trudeau era.

Over the period 1968 to 1984, program spending rose at an average annual rate of 13.6 per cent, a legacy for which we are still paying as the current Prime Minister tries to create his own.

Even if you take out one-time measures for health and defence, program spending last year rose by 7.3 per cent. The Minister of Finance saw that he was headed for a surplus last year. Rather than use that money to pay down the debt or to cut taxes, he spent it.

The debt reduction that we have seen to date has been more by accident than by design. It has been only the result of overcharging workers for Employment Insurance and Paul Martin's first term cuts to health and education.

While the government is projecting a balanced budget this year, on an accounting and cash flow basis, there is every possibility that it may have to take on new market debt in the months ahead.

• (1640)

If you run a business you can be breaking even on paper while borrowing money to meet your payroll. The government is no different. The budget predicted net financial requirements of \$5.8 billion this year and \$2.1 billion next year; in other words, over two years, the government faces a \$7.9 billion cash flow shortfall.

This government just does not seem to care. On May 7, the President of the Treasury Board appeared before the Standing Senate Committee on National Finance to defend the government's Main Estimates. Of all the departments in government, you would expect the Treasury Board to lead by example. The President of the Treasury Board is the government's comptroller. Saying "no" to other departments is a key part of that person's job.

Senator Bolduc asked her about spending in her own department. He wanted to know, for example, why the Treasury Board was planning to spend \$267 million more than

last year, an increase of 12 per cent. Senator Bolduc wanted to know why the Treasury Board's expected spending on personnel, of \$1,679 billion, is up 17 per cent from last year's Main Estimates. He asked why the Treasury Board's bill for professional and special services is up by \$9 million, or 26 per cent. He wanted to know why Treasury Board Vote 1, operating expenditures, was up 29 per cent from last year. The President of the Treasury Board left us with the impression that she did not know the basic details of her own department's spending plans and let the officials reply instead.

I could understand if the President of the Treasury Board wanted to defer to her officials on the operating budgets of some other department, but this was not some other department, it was her own.

Honourable senators, members from the National Finance Committee have been deeply concerned by both the cost of the gun registry and by the continued use of contingency votes and Supplementary Estimates to fund it. Supplementary Estimates were used 11 times between 1995 and 1996 and 2002-2003 to fund the gun registry. The total obtained this way was \$469 million, or more than half the cost of the program to the end of last year. This included six occasions when contingency votes were used to provide \$156 million in funding prior to Parliament even seeing the Supplementary Estimates.

This year we are told that the gun registry will need another \$113 million.

I asked the President of the Treasury Board if she could assure the National Finance Committee that the government will not seek further funding for the gun registry this year beyond that approved through votes arising from the Main Estimates. She could not. In response to my question, she said:

We will see what will happen during the year. However, we have Supplementary Estimates precisely to fulfill certain demands that could occur during the fiscal year. It is very difficult for me to say, for any department, "That is it. You have the money April 1, and you will have no more for the rest of the year."

What could happen?

First, from the "Report on Plans and Priorities" for the Justice Department, we learn of additional work by the alternative services delivery contractor that could cost as much as \$15 million beyond the current planned spending levels.

Second, the President of the Treasury Board could not tell us with certainty whether all of the costs of moving this hot potato from the hands of the Justice Minister to the lap of the Solicitor General are reflected in the Main Estimates. Even if everyone stays put in the same cubicle, this will cost money. New business cards will have to be printed, new signs installed, new stationary ordered. Someone will have to work overtime to change the e-mail address of every gun registry employee. Someone will have to work overtime, or some computer consultant will have to be hired, to switch the network drive of each employee from one department to another.

Different departments have different record management processes, which will require employees to be trained, likely in rented conference rooms.

Different departments use different software and sometimes different hardware to allow their employees to access their office computers from home or from office laptops, so new software and hardware will have to be bought and installed all over again.

I would hope that the government finds some ways to absorb these costs within the gun registry budget without coming back to Parliament, but I could not count on that happening, given its previous history.

The Minister of Finance has laid down instructions to his cabinet colleagues to come up with \$1 billion in spending cuts. Ironically, that \$1 billion is about equal to what the government has wasted on the gun registry.

Missing from this budget is any serious tax relief for the middle class. The budget increases the RRSP contribution limit to \$18,000 a year, which is where it would have gone anyway with normal indexing, had Paul Martin not reduced and frozen RRSP limits a few years ago. I do welcome this as I would welcome any measure that helps Canadians prepare for retirement. The only problem is that the \$18,000 limit is only available to those with earned incomes in excess of \$100,000 per year. It gives no additional tax relief to the middle class.

The government could have taken one simple step, at virtually no cost, to help all Canadians, regardless of income, to build their retirement savings. It could have raised the foreign content limit on RRSPs and pension plans. Limits on where you or your pension plan can invest your retirement savings means less retirement income. Why is government not willing to give Canadians greater freedom to invest their retirement savings where they see fit by lifting the foreign investment ceiling from the current 30 per cent?

Honourable senators, if your income is below \$35,000, the budget gave you an increase in your child benefit supplement, and it gave you a further tax credit if you have disabled children. If your earned income is above \$100,000, you get an \$18,000 RRSP limit. If you are a middle-income earner, there is nothing. So much for the legacy.

Canadians do not mind spending when the government gets things right. There are basic things that governments must do in the public interest.

A case in point is the international bridges that span the Niagara and Detroit rivers. We rely upon trade for 40 per cent of our national income, yet this government sees no urgency in breaking the log-jam that sometimes sees trucks backed up for hours. This is not 1963, when "just in time" meant getting home seconds before the curfew set by your parents. This is 2003, when "just in time" is how factories manage inventories and shipments.

One the biggest economic issues facing Canada today is the movement of trade through the Canada-U.S. border. The budget did next to nothing to ensure the flow of trade and commerce with

our largest trading partner. This government would rather blow hundreds of millions of dollars on phoney GST rebates; allow medical equipment money to be spent to buy lawn mowers; hand out HRDC grants to shift jobs from one southern Ontario town to another southern Ontario town; or pay friends like Groupaction for work that was never done.

The Globe and Mail yesterday wrote about the ad agencies in trouble again by inflating the cost of contracts by 17.6 per cent. This was a Public Works internal report obtained by *The Globe and Mail*.

The internal report, obtained by *The Globe*, said that the \$40 million-a-year program was marred by this web of firms, in which advertising agencies added a 17.65 per cent commission on federal work that was subcontracted to affiliated firms.

It states that the affiliated firms were business partners, sons, political allies, and even themselves. So much for good management.

• (1650)

In his budget, the Minister of Finance said the government would retain the power to set EI premiums for yet another year and with great fanfare announced what he called "a cut in EI premiums." In fact, honourable senators, what he really did was block an even deeper cut in premiums. Under the law as it stood prior to the budget, the independent EI Commission would have been back in the business of setting premiums this fall. Given the size of the EI surplus and given the rules for premium setting, the commission would have had little choice but to cut premiums to a maximum of \$1.75 and probably lower. Indeed, the government could announce a three-year premium holiday and still have a surplus in the EI account. Mr. Manley's excuse is that the government needs to consult on a new premium-setting process for 2005.

Honourable senators, when the government took control of the premium-setting process back in the fall of 2000, it used the pretext of studying the way rates are set. By controlling the way rates are set, it was able to keep premiums much higher than needed to give the huge surpluses that were being racked up. Almost three years later, with the EI surplus approaching \$50 billion, why does the government need yet another year to study the way in which rates are set? Why has it not held these consultations previously? Because the longer it can stall, the longer it can keep EI premiums artificially high.

The Minister of Finance may also have bent the truth when he told us that \$1.98 would be a break-even premium. This is at odds with the figure of \$1.75 given by the EI actuary. There was no explanation anywhere in the budget papers, so we asked the Department of Finance to explain the difference. The answer was that while a couple of pennies represent the cost of the new compassionate leave benefits, virtually all of the difference is interest on the EI surplus.

John Manley does not want to credit interest on that \$50 billion that he has borrowed from Canadian workers and those who employ them. Rather, he wants to render the entire surplus moot. This could have been a budget from the seventies, as I have said. It spends; it does not reduce taxes; and it does little to make us the "northern tiger" promised by Minister Manley.

Honourable senators, I want to close by referring to another article in *The Globe and Mail* of May 26, 2003, entitled: "High taxes the key to Canada's surplus: report." It states that:

Canada's superior fiscal position to the United States in recent years is a function of higher taxes, a report says, not a stronger economy or superior financial management.

Surprise, surprise.

On motion of Senator Robertson, debate adjourned.

GREECE

MOTION TO ENCOURAGE THE UNITED KINGDOM TO RETURN PARTHENON MARBLES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Bacon:

That the Senate call on the Government of Canada to encourage the Government of the United Kingdom to cause the return of the Parthenon Marbles to Greece in time for the Opening Ceremony of the 2004 Olympic Games in Athens.—(*Honourable Senator Merchant*).

Hon. Pana Merchant: Honourable senators, it is humbling to be able to include in the word "colleagues" so many great Canadians. I am humbled by your qualities of mind and experience and I am enjoying immensely the opportunity to participate with you in the work that we do for the betterment of Canada and the world.

Senator Sparrow and Senator Wiebe have been good friends of our family for over four decades. Senator Andreychuk was a gracious classmate of my husband in law school. Senator Tkachuk has been a friend, first in the Liberal Party before he fell victim to impure Conservative thoughts. Senator Gustafson has been a sound Prairie advocate. Seeing these wise choices from Saskatchewan by many prime ministers, it is with pride that I say to all of them that I now serve as the junior senator from Saskatchewan. For a long time I have known and admired Senator Carstairs and I have enjoyed her friendship.

I rise today filled with pride and emotion as the first Greek-born woman to serve in this chamber. Conscious of the great privilege that has been afforded me by this generous country, my adopted country Canada, I praise a group of Canadians — Greek immigrants and their offspring — who have

woven their *joie de vivre*, their hard work ethic, their humour, their belief in God, their commitment to the democratic process and the openness of their hearts, all these things, into the rich tapestry of Canada.

The motion before honourable senators urges the Government of Great Britain to return the Parthenon Marbles to Greece, the country of my birth. There are legal arguments regarding the Parthenon Marbles, but first there is the wider, deeper issue of pride of nation — the pride of Greece. This issue causes me to say, as I stand in this place a member of the Canadian Senate, that I am a proud Greek and a proud Canadian, just as other honourable senators and their families say that they are proud to be Italian and Canadian or Chinese and Canadian or Jamaican and Canadian or Catholic and Canadian or Quebecois and Canadian or Westerner and Canadian.

[*Translation*]

Difference is based on our sense of identity, our sense of where we are and our sense of existence, which makes us important and motivates us to make a contribution. All senators are proud Canadians from different backgrounds.

[*English*]

Canada revels in diversity. Indeed, we constantly describe ourselves as different from our neighbours to the south because of our cultural mosaic rather than their melting pot, which we subconsciously think is little more than a means of submerging the French in Louisiana, the Chinese in San Francisco, the Greeks in Chicago and the Mexicans in Texas into one prototype of an American citizen.

The challenge becomes how we celebrate difference and how we deal with those who are different from us.

[*Translation*]

Again, Canada is proud of its diversity. Canada is a nation based on differences and the respect of differences. We have a legal structure that includes the Canadian Charter of Rights and Freedoms, which allows us to protect these differences.

However, this structure is just that: a legal structure. It is through our leadership and that of thousand of others responsible for community associations and organizations, through talking with friends and family members, that differences are respected in daily realities and that we continue to enjoy these differences of which we are so proud.

The fact that I can say in this chamber that I am Greek and Canadian will encourage others to also express their pride.

[*English*]

There are dangers in difference — dangers in the darker side of difference. Our greatest weapon against the dangers of difference is our memories, which must include, in Canada, our memory of the internment of the Japanese and many Germans, and before that many Ukrainians; our memory of the Chinese head tax; and our memory of our treatment of Canada's First Nations.

• (1700)

We are a nation founded in large part by the people and ideas of Great Britain and the people and ideas of France. We are a Parliament modeled on the mother of parliaments, from Great Britain. From Canada, then, it is most appropriate that our Parliament advise and request the mother of parliaments to mandate the return of the Athenian marbles to Greece prior to the 2004 Olympic Games in Athens, recognizing their profound historical significance and the importance these marbles play in the place and worth of Greek history and to the Greek sense of self.

Deep seated in the historic reluctance of dominant countries to return treasures to the country of origin is the subconscious view that our difference really means we are safer, more stable and a haven for treasures.

[Translation]

This idea of equality, that all men are created equal and that people have inalienable rights as individuals is so entrenched these days in Canadian culture that we seem to forget that this is a new concept. This concept dates back to the end of the 20th century and may spread around the rest of the world during the 21st century. This is not a commonly held idea in certain countries in Europe or in South America and in Asia. The idea that one culture should not try to dominate another is an even more recent concept.

[English]

Those who collected the treasures of prior times, largely, for some hundreds of years, the French, English and later the Germans, Napoleon in Egypt, Elgin and others who filled the European museums, did protect assets which might not have survived forever. However, it is time for Great Britain to consider what I hope will be the recommendation of this body, as it is the recommendation of the other place, that these monuments return to the country not just from which they came but the country in which they are a national treasure. In foreign museums, they are little more than an interesting view of antiquity.

Rest assured that the British museum, for which I have great respect, and the British government, deep down, are reluctant to return the Parthenon marbles because the difference between the British and the Greeks creates doubt that these treasures will be safe in Greece. Safe today, they think, but what about in 20 or 100 years? By that reasoning, the treasures of the world should currently all be in the United States, and 100 years before that in Great Britain, 100 years before that in France or Italy, and 500 years before that probably in the only truly civilized country in the then-world, which was China. Did Britain empty itself of Ming vases or the treasures of Luxor or the Athenian marbles when Hitler approached their beaches, a week before Waterloo, or when the Spanish Armada approached their shores?

Consider the unethical manner by which Lord Elgin forcibly removed these Greek antiquities, not to save them but simply to

decorate his estate, and then in 1816 to sell them to the British government for 35,000 pounds.

The tortuous journey of the Parthenon marbles is troublesome. Having bribed the Turkish conqueror of Greece, 300 of Elgin's men, over a period of 10 years, dismembered the Parthenon, using great saws and crowbars. Some of its most beautiful pieces — 247 feet of the original 520 feet of its frieze, 32 metopes, numerous figures from the pediments, and several other pieces of marble sculpture — were loaded on ships to be taken to England.

Many were submerged — corroding in the salt water and thrashing about in storms when one of the ships sank. Then, they lay on the shores of Malta for five months covered with seaweed. They were not cleaned or unpacked for years once they reached England. Some of the marbles never made it.

Those that arrived were assaulted anew by their British "caretakers." In an effort to sell copies of the marbles, molds were made of them repeatedly, a process that stripped off their original paint. Perhaps the most serious damage was done in the 1930s, when British museum curators decided in ignorance to "clean" them. Not realizing that the Parthenon was intended to have colouring, they attempted, with the use of copper tools and cleaning solvents, to strip them of their hues, which resulted in the destruction of several layers of the marble itself. Almost as offensive as the damage was the fact that the British museum deliberately covered up the incident until 1998, some 60 years later.

Yet, the facts and legality of the taking of the marbles are not the primary focus of those of us who advocate their return. For the people of Greece and people of Greek heritage worldwide — millions of us in Australia, South America, Chicago, Toronto, Moose Jaw — part of our pride of self is the difference that we made through a contribution two and a half millennia ago, back to the time of Solon and the beginnings of democracy. While I am not a government interventionist, we should urge the Government of Great Britain to press and urge the British Museum to return the Parthenon marbles to the country in which they will be fully cherished — to the country where they speak of our identity and link us to our history.

The restitution of the Parthenon marbles from London to their natural home, Athens, is not a nationalistic claim. The restitution of the marbles and, therefore, the restoration of the Parthenon sculptural decoration, the Frieze sculptures, is the claim of the mutilated monument itself. The marbles cannot be considered a movable monument, as is the case of the other sculptures of antiquity, the Aphrodite of Melos the Nike of Samothrace. The marbles are inseparable parts of the Parthenon, the great immovable monument of classical antiquity — the most important architectural monuments of the Classical period. Based on current views on the protection of our global cultural heritage and the principles of UNESCO, the restitution of the marbles to Athens should be, above all, approached with the political, historical and cultural sensitivity befitting a country such as Great Britain.

[Senator Merchant]

At the foot of the Acropolis and in direct view of the Parthenon, the new exquisitely designed museum of the Acropolis is being built. A special hall will exhibit, in its entirety, the Parthenon's sculptural serenity. If the marbles are not restored, the inauguration of the Acropolis museum and the special restoration of a large area of the Parthenon will emphasize the mutilated sculptures and point out the fact that many are absent.

The Greek position has been that the restitution of the marbles be carried out in the form of a long-term loan, without addressing the issue of the ownership of the marbles. It envisions the exhibition of the Parthenon sculptures coming together as a joint project of the new Acropolis museum and the British museum. In exchange for this cooperation, the Greek government assumes responsibility for organizing important temporary exhibitions of Greek antiquities in the British Museum to continually generate international public interest.

• (1710)

Honourable senators, permit me to conclude with the moving plea of Melina Mercouri, the then Greek Minister of Culture, at the 1982 meeting of UNESCO in Mexico. There she said:

...the time has come, for these Marbles to come home to their rightful place, the blue skies of Attica, where they form a structural and functional part of a unique entity. The day may come, when the world will conceive of other visions, other notions about ownership, cultural heritage, and human creativity. And we fully appreciate that museums cannot be emptied. But in the case of the Acropolis Marbles, we are not asking for the return of a painting or a statue...(but)...for the restitution of part of a unique monument, the particular symbol of a civilisation...

Honourable senators, as a proud Canadian of Greek birth and heritage, I call upon my colleagues to support this motion, to support justice, to support democratic fairness, and to support the nation we call Hellas.

Together, we can right a significant wrong.

Motion agreed to.

AGRICULTURE AND FORESTRY

FINDINGS IN REPORT ENTITLED: "CANADIAN FARMERS AT RISK"—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the findings contained in the report of the Standing Senate Committee on Agriculture and Forestry entitled: *Canadian Farmers at Risk*, tabled in the Senate on June 13, 2002, during the First Session of the Thirty-seventh Parliament.—(Honourable Senator Stratton).

Hon. Terry Stratton: Honourable senators, I wish to speak briefly today to the report of the Standing Senate Committee on Agriculture and Forestry entitled: "Canadian Farmers at Risk," tabled last June. The report is particularly relevant in light of the

current crisis in the Canadian beef industry. It deals with the fact that Canada has been very fortunate not to have experienced serious food-safety incidents. The report also deals with the growing movement within the Canadian retail sector for trace-ability. That is the ability to trace back any food-safety problem to its origins.

Honourable senators will know about the current mad cow or BSE investigation on the one cow that was diagnosed last week. Current officials of the Canadian Food Inspection Agency are conducting trace-backs of that cow. Those investigations are not yet completed. I should like to be able to come back and discuss more fully the ramifications for Canadian agriculture and farmers, once the CFIA has more information on the BSE investigations.

The recommendations raised in this report are timely and deserve full consideration in light of this current crisis. Therefore, I move the adjournment of the debate in my name for the remaining time.

On motion of Senator Stratton, debate adjourned.

QUESTION OF PRIVILEGE

Hon. Gerald J. Comeau: Honourable senators, I rise today to ask His Honour the Speaker to find a prima facie case of a breach of privilege which has arisen and which affects both the Standing Senate Committee on Fisheries and Oceans and the Senate as an institution.

Here are the facts:

[Translation]

On the afternoon of Thursday, May 8, 2003, the committee clerk and the committee research analyst delivered by hand to the office of each of the eleven committee members a hard copy of the confidential draft of the fifth report my committee is in the process of finalizing on straddling stocks in the North Atlantic. Each copy was marked "Confidential, not for public discussion or for release."

[English]

On Tuesday morning, May 13, 2003, the clerk of the committee e-mailed to all members four more pages containing the confidential recommendations that were missing from the paper copy of the confidential draft of the fifth report distributed by hand on May 8.

On Tuesday evening, May 13, 2003, your committee met in camera in room 505 of the Victoria Building to discuss its confidential draft fifth report. Members present were given a revised paper copy of the confidential draft fifth report that merged both the version they had received on May 8 and the recommendations that had been e-mailed to them earlier that day.

Unlike the May 8 version, the consolidated version was not stamped "confidential" but all members present were reminded orally of the confidential nature of the document and that, in fact, they were looking at a confidential draft report.

Present at the May 13 in camera meeting, in addition to myself, were the Honourable Senators Adams, Baker, Cochrane, Cook, Hubley and Watt. Also present in the room, in addition to the clerk and the research analyst of the committee, were the research assistants to the Honourable Senators Mahovlich and Cochrane, as well as two interpreters, the Senate page and the committee attendant. These staff members were allowed to stay in the room during the in camera meeting by a duly recorded resolution of the committee members.

[Translation]

At the end of the meeting, the clerk of the committee gathered up all the paper copies distributed on May 8. But he left the members the new paper copies distributed that very evening in preparation for the second in camera meeting the committee will hold on that draft report later this evening.

[English]

On Thursday, May 15, I received a call from Bob Fife of the *National Post* asking questions about artificial reefs as it pertained to a fisheries report. The call was made to me. I did not make the call to Mr. Fife. In case there may be any doubt, I want to make this absolutely clear: The call came to me.

Also, on Thursday, May 15, 2003, the Canadian Press ran a story dealing with artificial reefs. Artificial reefs were the subject of portions of the confidential draft fifth report. This story, written by Stephen Thorne, quoted from the body of the draft report.

On Friday, May 16, 2003, the following papers picked up the CP story: *The Chronicle-Herald*, *The Edmonton Sun*, the *Guardian*, the *Montreal Gazette*, the *National Post*, *Le Soleil* and the *Evening Telegram*. The CP story was also picked up by the seafood.com Web site.

• (1720)

From reading the quotes in this Canadian Press story, one can assume that Mr. Thorne managed to get his hands on a copy of the confidential draft fifth report. One, however, cannot so state categorically until after having asked Mr. Thorne directly.

The *National Post* article, however, clearly states, "according to the report obtained by the *National Post*." This is a direct quote from the story.

One can, therefore, safely presume that at least one copy of the confidential draft fifth report was leaked to the *National Post*. An unauthorized disclosure of confidential information has taken place, thereby breaching the privileges of my committee and those of the Senate and all senators.

[Senator Comeau]

[Translation]

Honourable senators, in conclusion, I will ask the Hon. the Speaker to rule on whether or not there was an actual violation of our privileges and, in accordance with Annex IV of the *Rules of the Senate*, adjourn any consequent motions until my committee has completed its examination of this leak and tabled its report to the Senate.

[English]

The Hon. the Speaker: I thank the honourable senator for the elaboration on the matter of privilege.

I wish to confirm my understanding that this leak of information as described by the Honourable Senator Comeau occurred during the break week. This is timely, both in that respect and in respect to the notice given and the proceedings that we have taken today, including the honourable senator's notice during Senators' Statements and his comments at this time.

I do not intend to spend much time on this matter because there are a number of precedents. Whenever there has been an incident like this, it has been found that that constitutes a *prima facie* case of privilege.

In this case, Honourable Senator Comeau recommends that we proceed as provided for in appendix IV to the *Rules of the Senate*. We also have the benefit of having done that on one previous occasion with respect to a leaked report from Standing Senate Committee on Banking, Trade and Commerce.

Accordingly, I find that there is a *prima facie* case and that this matter should proceed in accordance with our rules. That means that the Fisheries and Oceans Committee should now carry out an investigation and bring a report back to the Senate as a whole, which is a debatable report. That report may or may not be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament.

That is my ruling.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY SPECIFIC CONCERNS

Hon. Shirley Maheu, pursuant to notice of May 14, 2003, moved:

That the Standing Senate Committee on Human Rights be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, with specific human rights concerns; and

That the Committee report to the Senate from time to time and table its final report no later than March 31, 2004.

Motion agreed to.

THE SENATE

WORLD HEALTH ORGANIZATION—
MOTION REQUESTING GOVERNMENT SUPPORT
FOR TAIWAN'S REQUEST FOR OBSERVER STATUS—
DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of May 15, 2003, moved:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization (WHO).

He said: Honourable senators, I am pleased to speak on the motion in support of the request of the Government of Taiwan to obtain observer status at the World Health Organization.

On May 19, 2003, the World Health Assembly once again rejected Taiwan's application for observer status at the WHO. At that meeting, in support of Taiwan's application, Mr. Tommy Thompson, U.S. Health and Human Services Secretary, said:

The need for effective public health exists among all peoples. That's why the United States has strongly supported Taiwan's inclusion in efforts against SARS and beyond. If we are truly serious about stopping this disease in its tracks, then we cannot ignore millions of people who are at risk. One lesson from SARS is that public health knows no borders — and no politics.

The United States Congress also recently passed a resolution endorsing Taiwan's bid.

The World Health Organization, an agency of the UN, was founded in 1947 with the goal of improving the dialogue between countries on issues relating to health. The preamble of the WHO constitution states:

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social conditions.

In today's world, disease cannot be contained by state borders. The recent spread of severe acute respiratory syndrome demonstrated the ease with which a regional outbreak can become a global epidemic.

Taiwan's request for observer status is not about politics. It is about health — the health of its 23 million citizens and indeed the citizens of all countries of the world.

Taiwan has one of the highest life expectancy levels in the world. It boasts top-notch research and medical facilities and no fewer than 14 internationally recognized medical schools. Not

only would Taiwan benefit from observer status at the WHO, but the world would surely profit from Taiwan's expertise and knowledge.

Honourable senators, China continues to oppose Taiwan's bid to obtain observer status at the WHO, citing that this would violate China's sovereignty and undermine its ability to address Taiwan's health concerns. As a result of China's opposition, Taiwan decided not to seek full status at the WHO and instead applied for observer status only as a "health entity."

To date, a number of "health entities" have been awarded observer status, including the Holy See, Palestine, the Order of Malta and the PLO.

On April 3, 2003, the Standing Committee on Foreign Affairs of the other place passed a motion supporting Taiwan's request to obtain observer status. Yesterday, a similar motion was extensively debated in the other place. Today, I am delighted to report that today a motion was passed by a majority of 167 to 63. I applaud all honourable members of the other place.

During debate, the honourable Liberal member from Yukon, speaking out against some of his party's position, indicated that the current SARS crisis is not the first example of medical information and assistance being denied to the Taiwanese because they are not WHO members. The member cited a 1998 enterovirus outbreak in Taiwan that resulted in the death of over 80 Taiwanese, many of them children. At the time, the WHO had in their possession antibodies that could have been of assistance in the outbreak. Although a request for help was sent to the WHO, no response was received.

The consequences of Taiwan's exclusion from the World Health Organization were also evident when Taiwan requested WHO support at the outset of the SARS outbreak and was denied assistance. Vital information provided by the WHO Global Outbreak Alert and Response Network was withheld from Taiwan because it was not a member of the organization, slowing its response to the outbreak.

• (1730)

Honourable senators, Canada has a vested interest in supporting Taiwan's bid to obtain observer status at the World Health Organization. Each year, over 150,000 Taiwanese visit Canada, enriching our nation, and a further 100,000 Taiwanese students and immigrants call Canada home. The Taiwanese government is disappointed at the rejection of their application, but their efforts will continue.

The Senate of Canada can send a strong message in support of this effort, as the other place did today. I urge honourable senators to support this motion, which is an important step toward making access to medical information and assistance truly universal.

On motion of Senator Poy, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, Senator Di Nino has asked for the floor to request leave with respect to a motion he made earlier today.

Hon. Consiglio Di Nino: Honourable senators, Senator Jaffer and I have been working together on Bill S-19, dealing with the change to the Scout organization, and when I stood to move second reading of the bill, she wanted to be recorded as being the seconder of that motion. However, the Speaker recognized Senator Keon, who has graciously agreed to allow Senator Jaffer's name to replace his as the seconder of the motion, so I

would ask for the leave of honourable senators to permit that to be done.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The seconder will appear as Senator Jaffer, who was in attendance in the chamber at the time second reading was moved.

The Senate adjourned until Wednesday, May 28, 2003, at 1:30 p.m.

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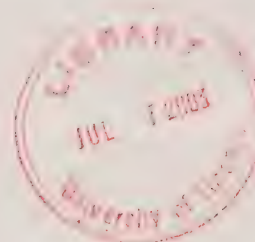
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OFFICIAL REPORT
(HANSARD)

Wednesday, May 28, 2003

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, May 28, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SEVENTH ANNUAL ESQUAO AWARDS

Hon. Elizabeth Hubley: Honourable senators, one of the greatest personal pleasures of our work here is the opportunity to become familiar with community organizations across the country. I have always been particularly inspired by groups that have, as their mission, the preservation and celebration of heritage, the promotion of social justice and human rights, and the positive building of Canada through a greater respect for one another.

I encountered such a group two weeks ago, honourable senators, when I took part in the seventh annual Esquao Awards in Edmonton, a program of the Institute for the Advancement of Aboriginal Women designed to recognize and honour the contributions and achievements of Aboriginal women.

What a marvellous evening it was. The theme of the Esquao Awards, "Angels Among Us," points to the vital role First Nations women play in their local communities and throughout Canada as elders, business leaders, educators, mentors, artists and healers. Forty-five remarkable women were recognized that night.

I personally had the honour of presenting a community-involvement award to Ms. Angela Lighting of Calling Lake, Alberta, a young woman who had made a difference by helping to create a minor hockey and minor baseball program and by demonstrating her dedication and loyalty to the youth of her community.

Honourable senators, each year, the institute also presents a special Circle of Honour Award in recognition of a lifetime of achievement and accomplishment in our Aboriginal communities. You will be pleased to know that our esteemed colleague Senator Chalifoux was the recipient of the 2003 Circle of Honour Award. I was among those who spoke in tribute to Senator Chalifoux that evening, and I am sure I did so with your enthusiastic consent and support.

Several years ago, our colleague was the recipient of another award given by the Edmonton Catholic Services Bureau. At that time, Father James Holland of the Sacred Heart Church spoke about Thelma's spirit, her inner strength and resolve to help the

Metis people, as well as her wisdom, her broad knowledge and life experience, qualities I believe that she continues to exemplify as a parliamentarian.

Honourable senators, I know that you will join with me today in recognizing Senator Chalifoux as well as the other outstanding 2003 Esquao Award recipients.

[Translation]

HUMAN RESOURCES DEVELOPMENT

YOUTH EMPLOYMENT STRATEGY

Hon. Lucie Pépin: Honourable senators, the transition from school to work is not always easy for young people. Lacking experience, a number of young Canadians do not manage to find permanent jobs.

The Government of Canada has created the Youth Employment Strategy in order to help young people acquire the necessary skills to succeed in getting into the work force.

Last week, on behalf of the Honourable Jane Stewart, I launched two major projects within that program for the youth of the senatorial division of Chaudière, which I represent here in the Senate of Canada. The Société d'aménagement et de mise en valeur du bassin de la Batiscan received a financial assistance of \$139,442.

The mandate of this body is to encourage activities to improve the water management of the Batiscan River. This funding will enable nine young people to acquire some valuable work experience in the environmental field, and will improve the quality of the water and the wildlife habitat in the Batiscan River catchment area.

Funding was also awarded to the Société d'aide au développement des collectivités de la vallée de Batiscan, and will allow 22 young people to attend workshops that will help them get to know more about themselves and about getting into the work force. They will then do an internship with a local business.

These two projects, funding for which was included in the February 2003 federal budget, are very important for our young people. From them, the participants will gain the necessary tools to become full-fledged members of the work force, with the highly developed skills we need.

• (1340)

ROUTINE PROCEEDINGS

AUDITOR GENERAL

REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the "Report of the Auditor General of Canada to the House of Commons," dated May 2003.

[English]

STUDY ON REPORT ENTITLED: "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"

REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Wilbert J. Keon: Honourable senators, on behalf of Honourable Senator Losier-Cool, I have the honour to table the third report of the Standing Senate Committee on Official Languages. This report concludes our study of the Justice Canada document entitled: "Environmental Scan: Access to Justice in Both Official Languages."

STUDY ON POSSIBLE ADHERENCE TO AMERICAN CONVENTION ON HUMAN RIGHTS

REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Shirley Maheu: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Human Rights entitled: "Enhancing Canada's Role in the OAS: Canadian Adherence to the American Convention on Human Rights."

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday, June 9, 2003, even though the Senate may then be sitting, and that rule 94(4) be suspended in relation thereto.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that on Thursday, May 29, 2003, I will move:

That the Standing Senate Committee on National Security and Defence be empowered in accordance with rule 95(3)(a) to sit during the adjournment, even though the Senate may be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT INTERIM REPORTS WITH CLERK OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that on Thursday, May 29, 2003, I will move:

The Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit such interim reports that it may have ready during the adjournment, and that the reports be deemed to have been tabled in the chamber.

QUESTION PERIOD

HEALTH

SEVERE ACUTE RESPIRATORY SYNDROME— RESPONSE TO NEW OUTBREAK— QUARANTINE OF SCHOOL

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. It appears that the SARS virus has spread outside the hospital setting in Toronto and has entered the community. Yesterday, Father Michael McGivney Catholic Academy in Markham was closed and about 1,700 students and teachers were quarantined after it was revealed that a student attended classes while suffering from symptoms of the disease. Could the Leader of the Government in the Senate tell us whether public health officials have been able to trace this latest case to the new cluster?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right: A school has been closed until June 3. The young boy who is sick had contact with his mother, a health care worker in one of the affected hospitals. She is now a suspected SARS case that is associated with the same cluster. They have been able to identify that the 96-year-old patient we mentioned yesterday in the house did have contact with other health care workers. We are not dealing with a case that was outside the affected area. In other words, it is not a newly determined case, from that perspective.

Senator Keon: Honourable senators, there are also reports today that nurses at two Toronto hospitals expressed concern over patients presenting SARS-like symptoms in the week leading up to the announcement of the new cluster of cases. However, those alarms were not acted upon immediately. The Ontario Nurses Association claims that if a response had come more quickly, hospitals could have been closed sooner, thereby preventing more people from being quarantined or possibly contracting this disease. Management at these hospitals have said that they were unaware of the nurses' expressions of concern at the time.

Could the Leader of the Government in the Senate tell us what the procedure is for hospitals investigating SARS cases and if there will be any change to that procedure in light of the latest development?

Senator Carstairs: The honourable senator has raised a critical issue. When an epidemic such as SARS occurs, no one's information should be taken lightly. If the nurses' observations of symptoms were reported, then they should have been acted upon. However, as the honourable senator knows well, the operations of hospitals fall entirely within provincial jurisdiction. One can only hope that, having been alerted to this particular circumstance, the Government of Ontario, through its health ministry, will put the appropriate changes in place.

SEVERE ACUTE RESPIRATORY SYNDROME—
WORLD HEALTH ORGANIZATION RESPONSE
TO NEW OUTBREAK

Hon. Brenda M. Robertson: Honourable senators, I, too, have a question for the Leader of the Government in the Senate that deals with the SARS outbreak in Toronto. On Monday, Health Minister Anne McLellan told reporters: "We are fairly secure in the knowledge there will be no travel advisory issued from the World Health Organization as long as there is no community spread and as long as there is no evidence of exportation."

In light of the report of community spread of the disease in Toronto, could the Leader of the Government in the Senate tell honourable senators whether Health Canada is now concerned about a possible reinstatement of the travel advisory by the World Health Organization?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I indicated to Senator Keon, the definition of "community spread" would include someone other than those within the health care cluster that was causing the spread of the disease. The identified case may have initially appeared to spread outside of the hospital collective. However, that was not the case because the boy is the son of a health care worker. Therefore, the cluster remains the same and there is no expectation that the WHO would issue a travel advisory.

I should like to add to the information that I gave the Honourable Senator Robertson yesterday. Today, the minister made it clear that there is no intention of removing the scanners, which were installed as a pilot project, from the airports, at this

time. Should it be discovered that one specific technology does not work as effectively as another, the government would then ensure that the technology would be replaced by something better. This is being done in conversation and contact with the WHO.

SEVERE ACUTE RESPIRATORY SYNDROME—
EFFECT ON STUDENT SUMMER EMPLOYMENT

Hon. Brenda M. Robertson: We pray that another cluster does not start from the school of that young boy.

Honourable senators, the Toronto Board of Trade reports that three out of four businesses in the city have been negatively affected by SARS. Ten per cent of businesses have already laid staff off with another ten per cent expected to follow suit. The Board of Trade says that, as a result of the layoffs, most students will not be able to find summer jobs in the coming weeks.

• (1350)

My question is simply this: Is the federal government considering boosting existing student employment programs or creating new ones to help Toronto-area students find summer work?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. In response to a question from Senator Grafstein yesterday, I indicated that a special cabinet committee, under the leadership of the Honourable Allan Rock, will be looking at the economic implications of this, not just in Toronto, but elsewhere. Senator Robertson's suggestion today is a valid one, and I will make sure that the committee is made aware of it.

FISHERIES AND OCEANS

NUNAVUT—ACCESS TO SHRIMP FISHERY

Hon. Gerald J. Comeau: Honourable senators, I also have a question for the Leader of the Government in the Senate.

On February 28, 2003, the Government of Nunavut was assured, in writing, that the Minister of Fisheries had accepted the recommendations of an independent panel on access criteria. No additional access to the northern shrimp fishery would be granted to non-Nunavut interests in waters adjacent to Nunavut until the territory had achieved access to the major share of this resource.

On May 26, the federal government announced that half of the increased shrimp fishery in Nunavut's adjacent waters would be allocated to outside interests.

Would the minister explain to this house why the government has broken its promise to the people of Nunavut?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am not sure that a commitment was made. The acceptance of a report does not necessarily mean that governments will not make decisions in the future.

However, with respect to this specific question, I do not have the information the honourable senator is requesting. I will take his question as notice and make any information I receive available to him.

Senator Comeau: Honourable senators, I would draw the attention of the minister to a letter written on February 28, 2003, from the Department of Fisheries and Oceans, under the signature of Alain Jolicœur, the Deputy Minister of Indian Affairs and Northern Development, and Jean-Claude Bouchard, Associate Deputy Minister of Fisheries and Oceans. In that letter, it is stated that no new licences would be issued to non-Nunavut interests until Nunavut interests have achieved access to the major share of the adjacent fishery. The minister may wish to see that letter, and if so, I will provide her with a copy.

The people of Nunavut have made it abundantly clear that they wish to become self-reliant in their own territory, and access to resources off their shores was key to achieving that. The Premier of Nunavut has said that the federal government is condemning the Nunavummiut to poverty and unemployment by giving away their resources.

Will the Leader of the Government in the Senate agree to fight to restore the promises made to the people of Nunavut?

Senator Carstairs: Honourable senators, as I indicated, this is an issue on which I do not have background information. I will find that background information, and when I have determined that I am sufficiently informed, I will make sure that the honourable senator is informed.

Hon. Willie Adams: Honourable senators, I have a supplementary question regarding Nunavut shrimp quotas. The Government of Canada made a commitment to the Nunavummiut in Article 15.3.7 of the Nunavut Land Claims Agreement in relation to wildlife management. Now the Departments of Fisheries and Oceans and Indian Affairs and Northern Development have broken minister Thibault's promise to issue no new licenses to non-Nunavut interests as stated in their letter of February 28. In my estimate, over 1,000 tons — \$3 million worth of shrimp — have been given away. The people of Nunavut should be compensated to the extent of the value of the fish no longer available to the fishers of Nunavut.

Senator Carstairs: I thank the honourable senator for his question. As I have already indicated to Senator Comeau, since I am not briefed on this particular file, I will pass the honourable senator's question on to the Minister of Fisheries, as well.

THE SENATE

DEBATE ON BILL ON HUMAN REPRODUCTION

Hon. Douglas Roche: Honourable senators, can the Leader of the Government confirm that Bill C-13, respecting human reproduction, which will likely arrive in the Senate shortly, will

not be rushed through this house but that we will be given sufficient time for a thorough second reading debate and adequate hearings in committee in order to hear from a range of important witnesses?

Hon. Sharon Carstairs (Leader of the Government): I would assure honourable senators, that, because of its wide-ranging ramifications, we will deal with this bill, as we deal with all others, with care and caution. We will take our time.

Senator Roche: I thank the minister. Bill C-13 is an omnibus bill. One part of it prohibits the cloning of human beings and another part deals with the regulation of research activities. Many authorities have requested the government to split the bill into two. The provisions dealing with the prohibition of cloning could be passed quickly. The regulation of research activities, because it touches on the sanctity of human life, could then be treated separately, and the time required to develop regulations would be available without rushing the passage of the bill.

Why did the government refuse to split this controversial bill?

Senator Carstairs: Honourable senators, obviously, the honourable senator has not been paying a lot of attention to what has been going on with respect to the split bill which is now Bill C-10A and Bill C-10B. Had he been monitoring that process carefully, he would recognize that it was not an action that was particularly appreciated either in this house or in the other place. We did do it. We had the authority to do it, but frankly, it was and is a complex process. It is not one that senators or members of the House of Commons favour, so I think it would be preferable that we deal with Bill C-13 in its entirety, with care and caution.

Senator Roche: Requests from many authorities in the health field to split this bill were made in the pre-introduction stage. That is when it could have been done.

HEALTH

BOVINE SPONGIFORM ENCEPHALOPATHY— TESTING REGIME

Hon. Mira Spivak: Honourable senators, my question today is again about Canada's response to the detection of mad cow disease.

In November 2000, when Germany first detected the disease in its herds, within eight days, that government decided to mandate the testing of cows, and within six weeks, its labs were able to test more than 85 per cent of all slaughtered cows.

Rapid tests are used in Japan. They were introduced after Japan discovered a single case of mad cow disease in August, 2001.

In many parts of Europe, one in four cows over 30 months of age is tested on slaughter. As I understand it, here it is about one in 10,000. Therefore, our surveillance program is testing approximately .02 per cent of our cattle. The same is true in the United States.

My question is this: Now that I understand that there will be a review of the surveillance procedure, in order to beef it up, is the government considering testing here so that consumers and beef producers can be protected?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let us be very clear. At this point in Canada, one cow has been detected to have had mad cow disease.

In talking about what happened in Europe, we must keep in mind that upwards of 2 million cows had to be dealt with. There is a substantial difference between what is going on in this country and what went on in Europe.

Having said that, I do want to assure the honourable senator that, while all of the processes are being reviewed, I would suggest that the testing process, and the amount of testing that we perform, should also be examined to ensure that we are following the correct procedures.

It might be of interest to Senator Spivak to know that, as of today, federal laboratories are completely up-to-date with animal testing, and I am told that, within eight days, all provincial testing will also be up-to-date.

Senator Spivak: Honourable senators, I would point out that Japan went to rapid testing after the discovery of just one case.

As to the review of the surveillance, is it being considered that Canada should follow the example of the Europeans, and ban feeding of any animal remains to any animal to be used for food, not just the feeding of ruminants to ruminants? Is that consideration being put into the mix?

• (1400)

Senator Carstairs: Honourable senators, I do not think that is being put into the mix. The issue is clearly ruminants, and that is being examined. Beyond that, there is no plan to examine further because there has been absolutely no indication that this disease can spread, other than through ruminant to ruminant.

JUSTICE

BILL ON DECRIMINALIZING MARIJUANA— FUNDING FOR DRUG STRATEGY— EFFECT ON CIGARETTE SMOKING

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate. Yesterday, as part of its new national drug strategy, the government introduced Bill C-38, proposed legislation to decriminalize the possession of so-called small amounts of marijuana. The bill is considerably less harsh on young people under 18 caught with less than 15 grams of marijuana than it is on adults. The fine for those under 18 would be \$100, while adults would be subject to a \$150 fine. Honourable senators, this essentially gives young people a discount on the consequences for marijuana possession.

Can the Leader of the Government in the Senate tell us how this meshes with the strategy to reduce smoking, which has been

castigated and criticized throughout the country, and to reduce drug use? The Prime Minister indicated that he is pro-choice, that the President of the United States is pro-life. I, too, am pro-life.

I would ask the Leader of the Government in the Senate to explain this strategy and how it will be enforced. What does this mean for our young people?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think it means a great deal. I know that Senator St. Germain has children, as have I. I know also that the fine would probably have meant much less to my children than my being informed of their unacceptable behaviour. The penalty is indeed \$100 for those under 18, but their parents will be informed as well. For individuals older than 18, there will be a fine of \$150 but their parents will not be informed.

Based on my experience with my children, the tougher penalty is the one for those under 18.

Senator St. Germain: I am sure that would be the case, honourable senators. I will not cast any doubt on that point, nor do I think will any other senator.

Honourable senators, we should consider the comments made with regard to the utilization of marijuana by our closest allies and our greatest trading partner. As the Prime Minister said yesterday, the United States and Canada are still the best of friends, truckin' on down the road.

With regard to a strategy to counter the spike in use that some say will occur, the 2000 Liberal election platform allocated \$440 million to the drug strategy. However, yesterday, we heard that \$49 million per annum will be spent over five years, considerably less than \$440 million.

I believe it is incumbent on the government to explain to Canadians that the funding for this strategy is tied into Bill C-38, as the minister so adeptly pointed out to me, in response to a question in this place a short time ago. How does the government rationalize the fact that the promised \$440 million for the drug strategy is now down to about \$250 million?

Senator Carstairs: Honourable senators, there is already considerable money in the drug strategy. The \$245 million over five years is in addition to what has already been put into the drug strategy.

It is important to examine the science worldwide. It is interesting to note that, in Australia, where about half of the states have decided to decriminalize, they have not seen the spike that has been forecast.

Honourable senators, I would suggest that, unfortunately, the spike is already with us. We have seen a steady increase in the use of marijuana since the early 1990s. Recent studies indicate that 100,000 Canadians use marijuana on a daily basis. I think the spike is here. We must now try to prevent other people from using marijuana by means of a comprehensive drug strategy.

The honourable senator mentioned the use of tobacco. Fines are not levied against people for smoking tobacco, despite the fact that many of us believe that smoking cigarettes is far more harmful than cannabis use, as the Senate study indicated.

Senator St. Germain: Honourable senators, it is true that we do not fine people for smoking cigarettes; however, cigarette smokers are harassed in every imaginable way. I do not smoke, although I was a heavy smoker at one time. However, I have never used drugs whatsoever. Unlike the Prime Minister's best friend, Bill Clinton, I neither smoked nor inhaled the stuff.

Honourable senators, how can the government rationalize proposed legislation that will exacerbate the smoking of any carcinogenic product, which marijuana is, while continuing to harass smokers, including some of my good friends in here? I see them smoking outside the Victoria Building, being harassed by the system that is now, in essence, advocating smoking marijuana.

Senator Carstairs: Honourable senators, it may come as a surprise, but smoking is how one ingests marijuana. Therefore, cannabis users will experience the same harassment smokers experience.

My view is that we should "harass the life out of them in order to protect their life."

NATIONAL DEFENCE

CONTRACT TO PURCHASE TECHNOLOGY FOR AURORA AIRCRAFT

Hon. J. Michael Forrestall: Honourable senators, I also have a question related to addiction, to ask of the Leader of the Government in the Senate. The addiction I am referring to is the government's absolute inability to maintain our military equipment in working order.

My understanding is that an avionics package communications management system was just awarded to Thales for the Aurora life extension. The package, purchased in a competition that I am told was red flagged, included old analogue technology. If you will remember, we had to go to Russia to buy vacuum tubes to make some of our equipment work. This is the same situation. It now appears that the United States has wisely refused to grant the licences for the system.

Can the minister confirm this? If so, would she request that the contract award be reconsidered, based on the fact that we agreed to purchase ancient technology, at least in military terms, and now cannot get licences to use it?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asks a very interesting question, as always. I have no idea whether we have signed a contract to purchase outdated equipment. I will draw this question to the attention of the minister this afternoon, with a view to receiving a rapid reply.

LOCATION OF UNSPENT AMMUNITION TAKEN FOR JOINT EXERCISE WITH UNITED STATES MILITARY

Hon. J. Michael Forrestall: Honourable senators, on a related matter, it has come to my attention, and been confirmed through an Access to Information Act request, that a reserve army unit from the Land Forces Atlantic Area took a substantial amount of ammunition to Fort Indiantown Gap in Pennsylvania for Exercise Southbound Trooper in 2001. A substantial amount of ammunition remained unspent at the end of the exercise and this ammunition remained behind, unaccounted for, in Canadian terms, in the United States. It also appears that this ammunition was written off illegally and not in accordance with both Queen's Regulations and Orders and the Canadian Forces Administration Orders.

There may be a Special Investigation Unit investigation into this whole affair. As the minister knows, if this ammunition is unaccounted for and finds its way into criminal hands, the Canadian government will be liable.

• (1410)

Will the Leader of the Government inquire as to the status of the investigation, if there is one? If there is not, would she urge her colleague, in the appropriate way, to look at this matter to ensure that we are not incurring substantial potential liability?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator has raised a serious question, and I will take that issue directly to the Minister of Defence.

FINANCE

SUPERINTENDENT OF FINANCIAL INSTITUTIONS— SOLVENCY OF PENSION PLANS

Hon. David Tkachuk: Honourable senators, six months ago, 50 federally regulated pension plans were in financial trouble. Today, that number has climbed to 75. Mr. Nicholas Le Pan, Superintendent of Financial Institutions, stated on May 21, 2003, that several of these plans may not be able to provide employees with the benefits that they have been promised. The plans are simply not solvent.

Part of the problem is the result of employers enriching benefits without putting enough additional money into the plan to pay for it. Mr. La Pan said that, five years ago, he asked the government to implement legislation giving him the power to block such plan enrichments for plans that cannot afford them.

Could the Leader of the Government in the Senate, advise why this has not been done, and why there is a delay in enacting such legislation?

Hon. Sharon Carstairs (Leader of the Government): My understanding, honourable senators, is that the majority of these plans do not fall under federal jurisdiction. They fall under provincial jurisdiction, and therefore, it is up to the provincial government to pass that legislation.

Senator Tkachuk: Honourable senators, could the minister tell us if there has ever been any efforts by the federal government to talk to their provincial partners to enact such legislation? Has such legislation been contemplated for federally incorporated corporations?

Senator Carstairs: Honourable senators, with the greatest of respect, it is up to the provinces to determine what laws they need to pass, because the majority, as I indicated, of these large defined benefit pension plans are provincially registered, not federally registered.

OSFI supervises only federally registered pension plans to protect the interests of members from undue loss. It is reviewing and assessing whether guidelines and financial practices need updating and strengthening in light of recent weak market declines. They will make recommendations to the Government of Canada.

Senator Tkachuk: Honourable senators, I will try to wrap up two points in one. Perhaps it is a leadership question, because those plans seem to be following the same practices that the Canada Pension Plan follows. The Canada Pension Plan lost \$4 billion in the stock market last year, offset by a \$3 billion profit, giving a net loss of \$1 billion. It has been going through the same kind of problems for the same reasons.

The benefits have expanded since inception. The benefits were originally provided at the age of 68, then lowered to the age of 65 and then lowered to the age of 60. Life insurance and other goodies were added without increasing the amount of charges. Recent actuarial reports state that the CPP was sound at a 9.9 per cent combined employer-employee premium rate based on conditions as they existed at the end of the year 2000, shortly after the equity markets peaked. There has been no actuarial evaluation since then. One will not be done until the end of this year.

Can the Leader of the Government assure the Senate that the Canada Pension Plan is still viable at its current premium levels, or is it expected that the future will bring even higher premiums?

Air Canada is a federally regulated body, a federal corporation. That is who I was referring to in the earlier question. Legislation should be introduced with regard to such corporations.

Senator Carstairs: Honourable senators, that is why I indicated that the OSFI is reviewing their standards and guidelines at the present time. If they indicate that legislation is required, then we will proceed with legislation.

In regard to the comments of the honourable senator about CPP, as he knows, a new actuarial study will be conducted this year. The last study found that it was a very sound program.

Interestingly enough, when I was in Spain a year ago, at a conference on aging, it was commented repeatedly that Canada was the only nation in the Western world that had put its social security system, in terms of its pension plans, on a firm financial footing.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Sephiri Enoch Montanyane, the Deputy Speaker of the National Assembly of the Kingdom of Lesotho.

On behalf of all senators, I welcome you to the Senate of Canada.

THE SENATE

DEPARTURE OF PAGE MAXIME GAGNÉ

The Hon. the Speaker: While I am standing, honourable senators, I would like to note a happy and a sad event, which is the fact that Maxime Gagné will be leaving the Senate today.

[Translation]

Maxime Gagné is from Alma, in the Saguenay-Lac-Saint-Jean area of Quebec. He has been with the Senate Page Program for the past three years, two of those years as the Assistant Head Page.

[English]

He is leaving to work with the law firm of Stikeman Elliot in Montreal. He hopes to start work as a lawyer at that firm in 2006.

[Translation]

He will return to Ottawa to finish his Licence in Civil Law at the University of Ottawa. He would like to thank the entire Senate family for having made his experience within the Page Program a memorable one.

[English]

ORDERS OF THE DAY

LOBBYISTS REGISTRATION ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Milne, for the third reading of Bill C-15, to amend the Lobbyists Registration Act, as amended,

And on the motion in amendment of the Honourable Senator Di Nino, seconded by the Honourable Senator Murray, P.C., that the Bill, as amended, be not now read a third time but that it be further amended in clause 3, on page 2, by adding after line 18, the following:

“(3) Section 4 of the Act is amended by adding the following after subsection (2):

(2.1) The Governor in Council shall make regulations respecting the meaning of the word “information” and specifying any circumstances under which a communication shall be considered not to be restricted to a request for information, for the purposes of paragraph (2)(c).

(2.2) Before the Governor in Council makes regulations under subsection (2.1), the proposed regulations shall be laid before each House of Parliament and shall be referred to the committee of each House that may be designated or established for that purpose.

(2.3) The Governor in Council may make regulations under subsection (2.1) only if

- (a) neither House has concurred in any report from a committee respecting the proposed regulations within thirty sitting days following the day on which the proposed regulations were laid before the House, in which case the regulations may only be made in the form laid;
- (b) both Houses have concurred in a report from a committee approving the proposed regulations, in which case the regulations may only be made in the form concurred in; or
- (c) either House has concurred in a report from a committee approving an amended version of the regulations and the other House has concurred in that amended version, in which case the regulations may only be made in the form concurred in.

(2.4) For the purpose of subsection (2.3), “sitting day” means, in respect of either House of Parliament, a day on which the House sits.”

The Hon. the Speaker: Honourable senators, are we ready for the question on the motion in amendment?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Di Nino, seconded by the Honourable Senator Murray, that the bill, as amended, be not now read a third time but that it be further amended in clause 3, on page 2, by adding after line 18, the following —

Senator Carstairs: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it. The motion in amendment is negatived, on division.

Hon. Lowell Murray: Honourable senators, Senator Di Nino and I have another amendment to propose. I will briefly, but I hope thoroughly, explain the need for and the background to this amendment. Here is the problem. There is nothing to prevent a lobbyist from holding a contract with the government or one of its departments and, at the same time, lobbying that department or some other department of government on behalf of a private sector client. I think most of us agree that it is wrong. How prevalent the practice is, I have no idea. I do know, as I think all honourable senators know, that consultant lobbyists these days are not often one-man or one-woman shops. They belong to larger firms, which engage in a variety of activities.

• (1420)

Some members of the firm lobby the government on behalf of private sector clients, others, perhaps, do communications contracts or other advisory contracts for government ministers or departments. Whether it happens that the same people are engaged in those two activities, I do not know, but there is nothing to prevent it, that I know of, under our present practices.

The more ethical people and firms will say they have a so-called Chinese wall in their firm to prevent any improper communication — as between a person who may be lobbying the government for a private sector colleague for a fee and one who may be working for the government — perhaps that very same minister or department.

That is the only assurance or guarantee we have on these matters. I think we have to do better.

While Senator Di Nino — who I think will be my seconder — and I have discussed this matter and thought about it, and while we know that the amendment we propose may create some difficulty for private firms, our conviction is that those consultant lobbyists will have to make a choice. They can either work for the government or they can lobby the government. They cannot do both.

Honourable senators, with those few words, I will propose an amendment. Before I do that, I would like to try to put the government's position on the record. I cannot really do that, but I can say that it is significant.

On May 14, in the Standing Committee on Rules, Procedures and the Rights of Parliament, I asked the senior public servant who appeared before us, Mr. Howard Wilson, the Ethics Counsellor, what he thought of this, as well as a number of other amendments that had been floated by various witnesses before the committee. He commented on most of them. This is somehow significant, although what it is significant of I am not sure. I will leave that to honourable senators to judge. He said:

I will not comment on whether lobbyists should work for the government. That is a broader issue.

Indeed. Just so, who better to deal with broader issues than ourselves here in the Senate?

MOTION IN AMENDMENT

Hon. Lowell Murray: To deal with this issue and to start the debate, I move:

That Bill C-15 be not now read a third time but that it be amended in clause 8, on page 10, by adding after line 32, the following:

“(1.1) The Ethics Counsellor shall include in the Code provisions to prohibit a consultant lobbyist from engaging in lobbying activities while the lobbyist, or the lobbyist’s firm, holds any office, commission or employment in the service of the Government of Canada or has any contract for the provision of goods or services with that Government or any of its departments or officers.

(1.2) For the purpose of subsection (1.1), “lobbyist’s firm” means a person, partnership, association or firm by whom or by which the consultant lobbyist is employed, or with whom or with which the consultant lobbyist is professionally associated, for the purpose of engaging in the business of consultant lobbying.”

I have copies, of course, in both of our official languages. I will ask the page to take half a dozen copies in both official languages over to our friend Senator Rompkey, who was deprived yesterday.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Senator Murray: Honourable senators, I have just one more word of explanation. An amendment that would instruct the Ethics Counsellor to include these provisions of the code is really the only way to go in terms of this legislation. We have to do it in a slightly indirect way because the bill itself is the lobbyists registration bill. In terms of stating what they may or may not do, that would have to be put in the code; the device we are using is an amendment that would instruct the Ethics Counsellor to do so.

Hon. Bill Rompkey: Honourable senators, I was not totally deprived yesterday because Senator Murray was gracious enough

to let me know in the Reading Room, *sotto voce*, what he was proposing for today. I heard what he said then and told him that I did not agree and would try to tell him why.

This is not a new issue. The Ethics Counsellor, as a matter of fact, dealt with it in his code of conduct annual report to Parliament for the year ending March 31, 1999. The issue of an organization handling conflicting issues has been dealt with also by the Supreme Court of Canada in the case of *Martin v. Gray*, involving a lawyer joining a new law firm that was acting against that lawyer’s former clients. The court concluded that the confidential information could be protected by the establishment of measures that Senator Murray has already alluded to, that would include mechanisms such as Chinese walls and codes of silence — such as Maxwell Smart used in his term of office.

What are effective Chinese walls? The Canadian Bar Association produced a report in 1993 that provided guidelines for setting up Chinese walls to deal with conflicting issues within one organization. The Law Society of Upper Canada adopted and incorporated those guidelines into their rules of professional conduct.

The issue arose in the United Kingdom in relation to accounting firms. The House of Lords, in deciding the issue, stated:

There is no rule of law that Chinese walls or other arrangements of a similar kind are insufficient to eliminate the risk.

The Ethics Counsellor concluded that if Chinese walls are now acceptable for the legal profession, they should be acceptable for the lobbying profession. These measures would ensure that information confidential to each of the two clients, one private and the other public, is not inadvertently used to the advantage or disadvantage of the other.

• (1430)

The preamble to the Lobbyists Registration Act recognizes lobbying as a legitimate activity. The lobbying profession should not be singled out and dealt with differently from any other profession.

The attitude that I detect on this side, honourable senators, is that we should treat lobbyists, who are more and more being treated as professionals in a recognized occupation, as we treat others in similar fields, and that the same rules should apply to them. Therefore, I oppose this amendment.

Senator Murray: If I understood the honourable senator correctly, he states that the Canadian Bar Association has developed a code for their members, the members of the legal profession, and that they have also outlined how the so-called “Chinese walls” would function. How do we know that those exist in the case of consultant lobbyists? How can we know the details of how they function? Where is the code setting out the mechanisms for so-called “Chinese walls” as it would apply to and be binding upon consultant lobbyists? Does the honourable senator know the answer to those questions?

Senator Rompkey: I am not sure that I have a specific answer, honourable senators, other than to repeat what I said before. We should treat lobbyists as we treat other professions. Most in that category are self-regulating. If that is not the case, it should be and will be the case with lobbyists.

The main point is that we should treat them in the same way as we treat people in other, similar organizations.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on the basis of process, I would make the argument that Senator Murray's amendment should be adopted by the Senate, notwithstanding that the chief government whip has already given a signal to his troops to vote against it, with the thumbs-down sign duly displayed.

Honourable senators, the point is this: Why not give our friends in the other place an opportunity to consider this? They will be receiving this bill with an amendment already attached to it. By adopting this amendment, they could reflect upon this proposal that deals with something that is quite real.

If, in their wisdom, the members of the House of Commons decide not to accept this particular amendment, then so be it. Nothing will be lost. Adopting this amendment to a bill that has already been amended and returning it to the other place so that they might take a look at it, could achieve a significant good that would be in the public interest.

A great deal of work and reflection has gone into trying to make the relations of parliamentarians, whether in this house or in the other place, as pure as pure can be. Even members of Parliament are sometimes criticized for what, in days gone by, would have been considered not lobbying but simply performing duties as members of Parliament representing the interests of their constituents by going to a government department to ensure that the citizens in their constituency are having as fair a chance as anyone else, to benefit from the programs and services offered by given ministries.

We have put all kinds of rules and norms in place, and we continue to do that, to regulate the interactions between parliamentarian and agents in the machinery of government.

Here, we have nothing that seems to be dealing with the situation where people who are direct employees of ministries, at the same time lobby on matters directly touching on the file with which that employee may be dealing and for which effort he or she is receiving remuneration.

Senator Murray has put his finger on an important issue that we should at least allow the members of the other place to reflect upon. Therefore, I would encourage the government to support this amendment.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I encourage my members not to support this

amendment this afternoon for the eloquent reasons given by the Honourable Senator Rompkey, the whip on this side of the chamber.

First, we should not send, to the House of Commons, amendments that the vast majority of us do not support, which is what I think perhaps the honourable senator was implying in his statement. If we do not support them, then we should not send them, with the bill, back to the other place.

Bill C-15 has developed clear rules for lobbyists. I suspect it will not be the last time that a lobbyist registration bill comes before this chamber or before the other place. However, there has been good debate in committee on the basic principles contained in this bill, and we should proceed forthwith.

Senator Murray: Would the Leader of the Government in the Senate consider that this bill, properly strengthened, is a logical companion piece to the political parties' financing bill and that, in that context, would she not think of it in terms of her legacy as well as that of the Prime Minister's?

Senator Carstairs: I thank the honourable senator for suggesting that I might leave a legacy. I just saw a press release this afternoon which, in light of the fact that I am to receive an honorary degree this weekend, called me "a Canadian icon." Such exaggeration is similar to that expressed by the honourable senator.

Hon. Consiglio Di Nino: Honourable senators, the words of my colleague, Senator Kinsella, have inspired me to give some further thought to this matter. In rising to support Senator Murray's amendment, I should like to remind all honourable senators that our profession — and I believe it is a profession and a good one — has suffered greatly in the last number of years, because of inaction on our part in dealing with a number of issues that have clouded our relationship with certain segments of the public, such as lobbyists. We have seen a number of incidents recently, including the one quoted in a newspaper this morning, about how a person can influence the system.

I would hope that colleagues on both sides of the chamber would consider this. Here is an opportunity for us, since this bill will be returned to the other place, to express a concern that we, as the chamber of sober second thought, have about a particular component of this bill, which is, should someone who has a contract with the government or a ministry, also be allowed to lobby for another ministry or have other involvement of that nature in the lobbying profession.

Our role is to ask such questions. That is why we are here. We are here to point out that we have a concern that members in the other place should consider. We think it would be worthwhile to take a look at this. This bill is to be returned, in any event. It would be useful for us to send this information to the other place so that they may have an opportunity to discuss it. Perhaps we could invite some of the lobbyists to put forward an opinion on it.

• (1440)

I suspect that if most lobbyists were asked, they would probably not disagree with this. As I said yesterday in my remarks, it is not the majority about whom we need to be concerned. We need be concerned about only those rotten apples, those few who would look for a loophole to abuse the system for their personal benefit. As such, I do not think that the lobbying profession would be opposed to this kind of amendment.

Therefore, I urge honourable senators to continue to think about Senator Murray's amendment between now and the time we vote and that you support it.

Hon. Joan Fraser: Honourable senators, I do not wish to take too much of your time. I think Senator Rompkey has made the basic case splendidly.

To reiterate the point of the Leader of the Government in the Senate: We should not send an amendment to the other place unless we believe in it. On its plain face, I cannot possibly believe in this amendment. As it is written, it would prohibit, for example, someone lobbying for cod fishermen in Newfoundland if, at the same time, a lawyer five floors up in a skyscraper had been engaged to do a survey of property rights in Banff National Park. This is a sweeping amendment.

I quickly tried to imagine if there were a way in which the terms of the amendment could be narrowed so that I would find myself feeling that, perhaps, I should vote for it. The more I thought about it, the more I decided that I really could not. There are some areas where legislation is better not to go. If we were to walk down this line, I think we would end up with an unwarranted intrusion into freedom of association and freedom of enterprise in this country. We owe it to those freedoms to let the bill go through as it is now drafted. If difficulties emerge, we can take another crack at it. However, absent clear evidence of such difficulties, I could not possibly support an amendment of this nature.

Hon. Jeremiah S. Grafstein: Honourable senators, I listened carefully to what honourable senators have said on this amendment. I must say that I agree with Senator Rompkey.

I believe Senator Fraser has put her finger on it. Let us take the case of a farmer. In effect, a farmer has a direct contract with the government, a direct benefit, for a specific need, perhaps because of a disaster. Should this prevent him from lobbying for himself, or a group of people who belong to his association, for other benefits or subsidies? I do not think so.

Senator Rompkey has made an excellent point. If we try to draw a legislative line between all of these activities, what we do is inhibit what I consider to be the most important point, which is getting as much information to legislators as possible so that they may make an objective decision on a piece of legislation. Senator Rompkey has convinced me of this, notwithstanding the fact that I have other concerns with this legislation. This is not a salutary amendment.

The Hon. the Speaker: Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment of the Honourable Senator Murray?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it. The motion in amendment is lost, on division.

The question is now on the main motion.

It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Milne, that this bill, as amended, be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill, as amended, read third time and passed, on division.

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

Hon. Mobina S. B. Jaffer moved the third reading of Bill C-10B, to amend the Criminal Code (cruelty to animals), as amended.

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I rise on a point of order relating to the third reading of this bill.

My point of order rests on three different major planks. This bill should not move ahead for third reading on the grounds that it has not had first or second readings in this chamber.

The second plank is what I can only describe as the honour of the Speaker of the House of Commons and the need of this chamber to respect and uphold the honour of the Speaker of the House of Commons.

The third plank upon which I will be asking His Honour to rule is the question of the subordination of the proceedings of this chamber to orders of the House of Commons.

I maintain, honourable senators, that bills must have three readings in the Senate and in the House of Commons. Bill C-10B is a new bill, in a new form, that was created totally in the Standing Senate Committee on Legal and Constitutional Affairs when the committee, under an instruction from this chamber, divided Bill C-10 into two bills, being Bill C-10A and Bill C-10B. Bill C-10 had first and second reading in this chamber, but Bill C-10B has not. Bill C-10B is a totally new bill in a totally new form.

Honourable senators, on the question of forms of bills, paragraphs 626 to about 631 of Beauchesne's Sixth Edition tells us what the form of a bill is and also what are its constituent parts. Essentially, the form of a bill is as follows: First, there is the title, both short and long; the preamble; the enacting clause; the clauses or provisions; and the schedules, if necessary.

If we were to compare Bill C-10B to Bill C-10, we would find that the former is a totally different form of bill. In fact, it is a different bill because the titles are different. The number of clauses is different. The provisions in the clauses are different. I would also submit that even the enacting clause is different.

Honourable senators, I submit that Bill C-10B is a new creation that originated in the Senate committee and that it has not had first and second reading in the Senate. It was not the intention of the Senate committee to deprive the bill of first or second readings. The Senate committee left the option open for this chamber to adopt the divided bills in first and second readings.

Bill C-10B is a new and different bill from Bill C-10 and must have three readings in this place if it is to be called legal.

• (1450)

Honourable senators, the second point is that to proceed with third reading of Bill C-10B would be to compromise and dishonour the Speaker of the House of Commons. Honourable senators will be reminded that it was the accreditation of the Speaker of the House of Commons that allowed Bill C-10 to pass in the House of Commons. Honourable senators will recall that Bill C-10 was a revived Bill C-15B from the previous session.

I have adopted a position that to move on to third reading of Bill C-10B would be to compromise and dishonour the Speaker of the House of Commons. Bill C-15B, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, died on the Order Paper in the Senate when Parliament was prorogued on September 16, 2002. Honourable senators were told that Bill C-10 was revived in the House of Commons. Let us look at that process for one moment because we will soon discover that Bill C-10B has not had three readings in the House of Commons either.

The process of resuscitation in the House of Commons was initiated and implemented by the Honourable Don Boudria. On

October 4, 2002, Minister Boudria introduced the following motion to reinstate government bills. He moved:

That, in order to provide for the resumption and continuation of the business of the House begun in the previous Session of Parliament it is ordered:

The motion had several component parts. The second part read as follows:

2. That during the first thirty sitting days of the present Session of Parliament, whenever a Minister of the Crown, when proposing a motion for first reading of a public bill, states that the said bill is in the same form as a bill introduced by a Minister of the Crown in the previous Session, if the Speaker is satisfied that the said bill is in the same form as at prorogation, notwithstanding Standing Order 71, the said bill shall be deemed in the current Session to have been considered and approved at all stages completed at the time of prorogation of the previous Session.

In other words, the revival of such a bill in the House of Commons is premised on two things: one, that it be in the same form as its form at the time of prorogation; and two, that the Speaker's accreditation, word, honour and bond that the bill is in the same form is the element on which the House of Commons would rely to deem it passed through all the different stages. Minister Boudria's motion was adopted on October 7, 2002. The revival of the bill took an empowering motion.

Honourable senators, a look at the actual resuscitation and revival of Bill C-10 will show that it was wholly dependent on what I would describe as Speaker Milliken's certification or accreditation that the bill was in the same form as in the previous session. Minister of Justice Cauchon introduced Bill C-10 on October 9, 2002. Remember that the general enabling order was passed on October 7. In his introduction, the minister asked Speaker Milliken to certify that Bill C-10 was in the same form that Bill C-15B was in at prorogation. If honourable senators were to look at the Commons debates of that date, they would see that the Honourable Martin Cauchon, Minister of Justice, moved for leave to introduce Bill C-10. He said:

Mr. Speaker, this bill is in the same form as Bill C-15B from the first session of this Parliament and it is in accordance with the special order of the House of October 7, 2002. Therefore, I request that it be reinstated at the same stage that it had reached at the time of prorogation.

(Motions deemed adopted, bill read the first time and printed.)

Minister Cauchon rose in the House of Commons and asked the Speaker to take an action, according to October 7, and to state that Bill C-10 was in the same form as Bill C-15B was at the time of the prorogation. Remember that all of this is for the continuation of the business of the House of Commons. In response and in accordance with the order of the House of October 7, the Speaker rose and certified, or accredited, Bill C-10 as being in the same form as Bill C-15B had been.

In response to the minister, Speaker Milliken stated:

The Chair is satisfied that the bill is in the same form as Bill C-15B was at the time of prorogation of the first session of the 37th Parliament.

Accordingly, pursuant to the order made on Monday, October 7, the bill is deemed adopted at all stages and passed by the House.

(Bill deemed read the second time, considered in committee, reported, concurred in, read the third time, and passed.)

We must understand what is happening here, honourable senators. Because of the Speaker's word — his honour, his bond — Bill C-10 was passed by Commons decree without three readings. The Speaker stated explicitly that Bill C-10 was in the same form as that of Bill C-15B. Therefore, what must be satisfied is the determination that Bill C-10B is in the same form as Bill C-15B, for those who are following my words with care.

Honourable senators, Bill C-10B, the bill now before us, is not the bill that Speaker Milliken certified or accredited in the House of Commons on that day last fall. In addition, Bill C-10B is not in the same form that Bill C-15B was in at prorogation. It has a different title; it has a different set of provisions; and it has a different enacting clause. It is a different bill.

Honourable senators, it is not possible for this chamber or for the Minister of Justice or for any individual to recast the Speaker's certification to apply it to Bill C-10B. The Speaker's certification was particular and peculiar to Bill C-10. The Speaker's certification of Bill C-10 on October 9 did not contemplate, could not have contemplated and did not permit the Senate's division of Bill C-10 into Bill C-10A and Bill C-10B. The Commons rules and procedures do not contemplate such a division. This is borne out in the message from the House of Commons of a few days ago, in which they complained about the Senate infringing on their privileges.

It is inconceivable that the Speaker of the House of Commons could possibly have had in mind that the Senate could possibly commit an infraction, or infringe on the privileges of the House of Commons. These two questions must be taken together and these documents must be read together as one.

Honourable senators, it is improper to suggest that one could simply reapply the Speaker's certification from one bill to another. If it can be applied to a second bill, certainly it can be applied to a third bill or a fourth bill. The Speaker's certification in the House of Commons is simply not that flexible; it cannot be reassigned from one bill to another.

Remember, Bill C-10B is now in a different form from that of Bill C-15B at the time of prorogation.

In fact, Bill C-10B, a new bill in its provisions, number, title, and even its origins, has not had three readings in the House of

Commons either. This is very interesting, because we are criminalizing for many Canadians what would have previously been innocent, ordinary behaviour, like hunting and so on.

• (1500)

We cannot proceed to third reading because Bill C-10B is a compromise and a dishonour to Speaker Milliken's word and his bond. It discredits and it undermines his statements to the House of Commons, his assurances to the House of Commons, that he personally can certify that the bill before them was in the same form as Bill C-15B was at prorogation.

My third point has to do with what I consider to be the subordination of Senate proceedings to the House of Commons. I want us to revisit the first part where I began. I said that the premise for the order of the House of Commons of October 7 to revive the bills was the following, and I shall cite Minister Boudria again. On October 4, he moved:

That, in order to provide for the resumption and continuation of the business of the House begun in the previous session of Parliament, it is ordered:

In other words, the resuscitation process for bills over there is specific to bills that were before the House of Commons, because their order is specifically to provide for the resumption and continuation of the bills of the House of Commons.

I would submit to you here that, at the time of prorogation, Bill C-15B formed no part of the business or proceedings of the House of Commons. For us to view it that way, and for us to conduct ourselves that way, is to subordinate Senate proceedings to orders of the House of Commons. I maintain that Bill C-15B could not have been resuscitated or revived in the House of Commons because the House of Commons had no cognizance at the time of Bill C-15B. I am saying that, when Speaker Milliken certified Bill C-10 as the same form as Bill C-15B, that Bill C-15B at prorogation formed no part of the business of the House of Commons, because Bill C-15B at the time of prorogation was part of the business of the Senate.

Senator Robichaud: This is not a point of order.

Senator Cools: This is a point of order. We cannot proceed to third reading because the bill has not been properly dealt with. This bill has not had three readings in this chamber, and you do not want it to have three readings in this chamber. It has not had three readings in the House of Commons either. That is a serious matter, particularly when we have a message from the House of Commons, which refers to us infringing their privileges.

No order of the House of Commons can retrieve a bill from the Senate, because no order of the House of Commons can have any force over any proceeding whatsoever of the Senate, especially a bill that was committed to a Senate committee.

Hon. Fernand Robichaud (Deputy Leader of the Government): I would point out to His Honour that this is not a point of order.

Senator Cools: — especially a bill that was committed in a Senate committee. That bill would have to be removed from the Senate committee before it could be moved to the House of Commons.

The House order of October 7 can have no application whatsoever in the Senate, because Senate business is no part of the business of the House of Commons.

There is a fourth point, which I do not want to raise today. However, for the record, I would say that I was planning to raise that point at a later time.

If we were to look at the message which we tried to debate here some days ago, the message of Tuesday, May 6 from the House of Commons, we would see that, in the second paragraph, it states:

That this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent...

The motion on message was moved by the Minister of Justice, the Attorney General, the very same minister who, in the House of Commons, assured the House of Commons that the bill was in the same form, and asked the Speaker to be satisfied and to certify that Bill C-10 was in the same form as Bill C-15B. This is a matter of substantial importance because the whole matter centres around the question of three readings in the Senate.

Honourable senators will recall the order of the House, which I referred to at the outset. It referred to the motion introduced by Minister Boudria dealing with the resumption of the business of the House and that, during the first thirty sitting days, if a minister states that the bill is in the same form as a bill introduced by a minister of the Crown in the previous session, and if the Speaker is satisfied that the bill is in the same form as at prorogation, notwithstanding Standing Order 71 — and Standing Order 71 is the order of the House of Commons that states very clearly that a bill must have three readings, therefore, we cannot for a moment impugn the Speaker of the House of Commons by suggesting for a moment —

The Hon. the Speaker: Sorry to interrupt, Senator Cools, but some senators are asking whether this is a point of order. How long do you intend to speak?

Senator Cools has the floor. Whether or not there is a point of order, will be determined. Senator Cools is making a fourth point and I will hear her. Senator Cools, you have the floor.

Senator Kinsella: Hear, hear!

Senator Cools: I was saying for us to proceed in this way is to impugn the Speaker of the House of Commons. I have deep problems with that. Not only do we impugn him, but also we portray him as a servant of the government. That bothers me

deeply. We have had no debate on these questions. When the instruction went to the committee to divide the bill, there was no debate here on the instruction, or why or how that came about.

Senator Robichaud: There was a ruling by the Speaker.

Senator Cools: Your Honour —

Senator Kinsella: Carry on.

Senator Cools: This is very important, because what we are speaking of here is how Parliament conducts itself, and the standards, the principles and the rules that Parliament must observe when Parliament agrees to pass bills that bind the citizens of the nation.

It seems to me a huge door has been opened here by the House of Commons saying, in its message, that they have waived privileges, and we do not know which privileges have been waived or for how long.

It also means that citizens of this land will be able to take actions in courts on the basis of these proceedings, because the House of Commons has waived its privileges. I find that objectionable, and I will never agree to it.

The narrow points here have to do with the fact that privileges cannot be waived. Privileges are a part of the law of the land, and no one can waive the law of privilege any more than they can waive the law of murder. The example that I have heard from colleagues is that, if anybody can ask the House to waive the law of privilege, then a person may ask the courts to waive the laws respecting impaired driving. Privileges cannot be waived. They are a part of the law of the land, and are guaranteed under section 18. There is much authority for that. I will leave that point and fully develop it at another time.

• (1510)

Honourable senators, the government, in its zeal to pass Bill C-10 by last December 31, rushed into a situation that I feel could have been better handled and should have been better handled. It is up to us not to condone this sort of thing.

Senators who were at the committee meetings November can say that I argued, as Senator Sparrow argued, that whatever we created when we were finished dividing that bill would need to be subjected to three readings in each chamber. Again, there was little debate.

I ask honourable senators to take their work very seriously. We are passing laws here that criminalize hunters. As Senator Watt and Senator Adams have both told us, we may be criminalizing many Aboriginal people. We have a duty to proceed properly.

I have the privilege to direct my statements to His Honour. The fact of the matter is that Bill C-10B is a totally different bill from Bill C-10, which was in the same form as its predecessor bill, Bill C-15B. I would submit to all honourable senators that those two bills, Bill C-10A and Bill C-10B, deserved three readings in

each chamber. In this particular instance, it is simply improper to ignore all the rules because the first rule of Parliament is that a bill must have three readings in each House. No one here can make a reasonable argument that Bill C-10B has had three readings in either chamber.

Honourable senators, if Senator Robichaud has something to say, I will be happy to hear him.

Senator Robichaud: Yes, honourable senators, on a point of order, we are hearing the same thing for the third time.

The Hon. the Speaker: Senator Cools, may I ask for a moment?

Senator Cools: I am tired of being interrupted.

The Hon. the Speaker: I wish to make a point. We have spent quite a bit of time on this matter. Senator Cools has elaborated on four different aspects of her point of order. Because time is not unlimited and I believe that other senators wish to speak on this issue, I would ask Senator Cools to conclude her remarks and then I will recognize Senator Robichaud.

Senator Cools: Honourable senators, I was in the process of summing up. In summary, my point of order relates to three areas.

First, Bill C-10B should not proceed now to third reading because it has not had first and second reading in this chamber.

Second, to proceed with third reading is to compromise and to dishonour the Speaker of the House of Commons. It was his accreditation that allowed Bill C-10 to be passed in the House of Commons without three readings because he certified and stated clearly, on his bond, that Bill C-10 was in the exact same form as Bill C-15B was at prorogation.

Third, Senate proceedings cannot be subordinated to House of Commons orders. The House of Commons order of October 7 would have no application to the Senate. The fact of the matter is that at the time of prorogation Bill C-15B was not part of the business of the House of Commons, which is what their order was attempting to resuscitate, and was in point of fact in the cognizance of the Senate. This chamber should not be subjugated to orders of the other house.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must argue in the strongest possible terms that the Honourable Senator Cools does not have a point of order in any of her points. Let me begin with number one.

We have had the first and second reading of Bill C-10B. We had it in the form of Bill C-10, which the Senate, in its wisdom, agreed to separate into 10A and 10B. We then gave passage to 10A. We are now hopefully going to give passage to 10B, and we have not one but two Speakers' rulings to that effect.

In terms of the second argument that the honourable senator puts forward that we have compromised the Speaker of the other place, of course we have not. We do not, quite frankly, have

anything to do with the Speaker of the other place. However, the other place has rules. One of their rules allows them to resuscitate legislation between one session of one Parliament and another session of the same Parliament. That is not permitted if there has been an election because then there is a new Parliament, but it does provide them with the ability to resuscitate between sessions.

Using their House order and by request of the Leader of the Government in the House of Commons, the Honourable Don Boudria, the Speaker of the other place recognized that a new bill called Bill C-10 was exactly the same as Bill C-15B.

Clearly, at any time in the proceeding of a bill, with the exception of first reading because it is simply pro forma, whether in second reading and indeed in third reading, that bill can be changed. Therefore, to argue one can never change a bill from its original form to the form in which it is finally debated and accepted or rejected by this chamber is not valid; otherwise, we would never be allowed to amend legislation. Clearly, we would choose to do so on a number of occasions.

The Speaker in the other place ruled, as per their rules, that the bill should be resuscitated. We do not have the same rule here; therefore, we could not deal with that bill until we had received a message from the House of Commons. Whether they should have that rule is up to them; it is not up to us. Having their rule, they resuscitated the bill. They then sent a message to us, and we then received that bill.

Finally, with respect to the subordination of the Senate to the House of Commons, clearly we are not subordinate in any way, shape or form. The very fact that this bill has now had a number of amendments made to it — and my understanding is that, despite my objections as the Leader of the Government in the Senate, these amendments may well go forward to the other place — is an indication that we take pieces of legislation, we study them carefully and we do with them what we think should be done.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to come back to something that seems to have been forgotten. We have created a precedent. This is the first time in parliamentary history that a bill has been divided in such a manner.

I will not talk about the privileges of the other place nor of our own. That is another matter altogether. The fact is that we started with Bill C-10. At one point, both sides of this House were of the opinion that the bill had to be divided. We acted accordingly. We considered documents C-10A and C-10B. We did what was expected of us. We asked the other House to agree to divide the original bill. The House had before it only Bill C-10, which passed through first and second reading in both Houses, as we all know.

• (1520)

We asked for the concurrence of the House of Commons. In English, we were very careful; we said, "We concur." And the other Chamber said, "We concur."

The bill was divided. It was all legal and parliamentary. They had the right to say no, but they said yes, and the bill was divided in two. After we completed consideration of Bill C-10A, we moved on to consideration of Bill C-10B in committee. At the committee's first meeting on this subject, I mentioned, for the record, that we were studying C-10B. Still it was not a bill, but a study, a document. We did our work. A point of order was raised in this chamber, and it led to a Speaker's ruling. We were then able to complete consideration of Bill C-10B.

When Bill C-10 was divided, we had Bills C-10A and C-10B as a result. Now we are at third reading. If we pass this bill today, third reading will have been given to Bills C-10A and C-10B. We cannot go on saying these things over and over. We followed procedure.

When we asked the House of Commons to divide Bill C-10, it concurred. That is the end of the discussion. Yesterday, the committee reported the bill with amendments, and the report was accepted. Today we are at third reading, and, if the bill passes, it is over. We are not going to rehash these problems. We have created a precedent, but there is nothing unconstitutional about it.

[English]

The Hon. the Speaker: Honourable senators, I see Senator Andreychuk rising on this point of order, and Senator Cools is rising again. If there is no objection, I would ask honourable senators to be brief. We have spent quite a bit of time on it, and I understand the points very well.

Hon. A. Raynell Andreychuk: I have always been brief, honourable senators, so I will continue to be so in this case. I would simply ask His Honour to include, in whatever findings he makes, a comment addressing the third point raised in of Senator Cools' statement.

Her first point is a rather intriguing and interesting argument. However, I think it has been elaborated upon differently, and that it deserves some comment.

With respect to the third point, it is true that we have responsibility for the conduct of our own house as do the members of the House of Commons for the conduct of their House. My difficulty with the message from the other House is that it sets a condition precedent. They say that they accept splitting the bill, but, while disapproving of any infraction of their privileges or rights by the other House, in this case, they waive their claim to insist upon such rights and privileges. In other words, they know we have intruded on their rights and privileges, or they claim we have done so, and they accept it. It is their right to do so. However, they go on to say that the waiver of said rights and privileges is not to be drawn into a precedent. It does not say whether it is a precedent for the House of Commons or a precedent for the Senate.

If we accept this message from the House, both paragraphs as is, we, not the House of Commons, are setting a precedent for ourselves, and that precedent is that the House of Commons can

disapprove of our actions. Previously, the House either accepted or declined our actions, with respect, and we, with respect, accepted or declined their actions. We interpret our own rules; we interpret our own procedures; and we can even test the waters, so to speak, as we did in Bill C-10. It goes one step further to say it is not a precedent, and, in my opinion, that should be clearly noted. If we accept that the House of Commons is not accepting it as a precedent, then we are taking the step of saying that we will not take it to be a precedent. Further, we are accepting the House of Commons' commenting on us.

I am not commenting on what the House of Commons is doing. I am not saying that the Speaker of the House was right or that he was wrong, and I am not saying that the House was right or that the house was wrong. I am not saying that the House imposed a majority and caused us the conundrum. However, I am saying, clearly, by my interpretation, if we accept the message and go to third reading, we have in fact created a precedent that allows the House of Commons to comment on our procedures. We go one step further to say that what we have done, despite information and advice that we received here, will not be a precedent. We have not enlarged our sphere of influence or rights or privileges. We have in fact curtailed them, because we have now given the House of Commons the right to comment on us.

It is our actions that I would wish a comment on. I have not seen a full assessment of a situation such as this, but it would seem to me that it will be the first time we are in fact curtailing our own rights and privileges and giving the House the right to comment on our actions and behaviours in this house. I believe that can be properly commented on in point three of the point of order.

The Hon. the Speaker: Before I recognize Senator Cools, does anyone else wish to intervene?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I will be brief, honourable senators. On the ultimate point that Senator Andreychuk has raised, I would respectfully submit to His Honour that this is novel. This is the first time this situation has presented itself. Therefore, perhaps some creativity in the manner in which the message is drafted that we send to the other place with the bill might be part of the solution. For example, we might say in our message that this house does not concur in their observation, or something like that.

The Hon. the Speaker: I will hear a final comment from Senator Cools. Be brief, please.

Senator Cools: I just want to respond to what has been said.

Senator Beaudoin has said that, in dividing the bill, this chamber has set a precedent. Senator Andreychuk's remarks cover that quite brilliantly, because the message from the House of Commons states very clearly that it is not a precedent. The House of Commons has commented on what Senator Beaudoin has said. Senator Beaudoin said that we have set a precedent. The message from the House of Commons states that we have not. The House of Commons has rejected what Senator Beaudoin has said.

[Senator Beaudoin]

Turning now to Senator Carstairs' comments, I never for a moment argued that to amend a bill is to change the form of a bill. I never put that argument forward, although Senator Carstairs seems to think that I said that. However, I have said that the division of a bill is not an amendment to a bill, and is a totally different process.

• (1530)

The honourable leader has made another mistake. She says that we have no rules here to resuscitate bills that die at prorogation but the Commons does. Senator Carstairs is mistaken. The House of Commons was not operating under any rule at the time. It was operating under an order created for that particular reason. I read it at the outset when I said that Minister Boudria moved the motion to create the order. It was an order to provide for the resumption and continuation of the business of the House begun in the previous session.

Therefore, the House of Commons was not operating by any rule. It was operating by an order that allowed them to do what they did. In fact, the Speaker's involvement is limited within that order to one action only, which was to declare whether the bill in question was in the same form as its predecessor bill was.

Honourable senators, no one here can argue that Bill C-10B is in the same form as Bill C-15B was at the time of prorogation. In addition, as I said before, Bill C-15B at the time of the prorogation last fall was no part of the business of the House of Commons. It was part of the business and proceedings of the Senate.

Honourable senators, if ever there was a valid point of order raised in recent times in this chamber, this is one of them.

The Hon. the Speaker: I thank all honourable senators for their interventions on this interesting point. It is obviously something to which honourable senators have given much thought and have had some difficulty with in terms of the series of events that bring us to this point at third-reading stage of Bill C-10B, as amended.

Normally, I would want to give some thought to such a matter. However, as we all know, this has already been the subject of two rulings in this place and at least one ruling in the other place. I find myself fairly familiar with the matter, and my view will be the basis of the ruling that I give.

I remind honourable senators of the importance of this matter in terms of the stage of proceedings at which we are. We are dealing with a piece of legislation amending the Criminal Code. We have a very high duty and responsibility. If we were to interfere in any way with the processes by which laws become law, it would have enormous consequences.

I will address the matter of the bill not having received first or second reading, as brought out in the comments of Senator Carstairs and Senator Beaudoin, by pointing out that the bill had indeed received consideration at those stages in this place as

Bill C-10. If we regard, as I do, the change of Bill C-10 into Bill C-10A or Bill C-10B as being in the nature of or analogous to an amendment, that is within the power of the Senate to do. We did that, and I do not believe that that matter is any impediment to dealing further with Bill C-10B at this time.

I will speak to all of the other matters, with the exception of the one raised by Senators Andreychuk and Kinsella, as also discussed by Senator Cools, which is the wording of the message. The other matters relate essentially to that which is the responsibility, province and privilege of the other place. I believe so strongly that it is not for us to decide for them whether they have followed correct procedures that I will not even comment on that point. I would note that some interesting questions have been raised with respect to the resuscitation of Bill C-15B and Bill C-10A and Bill C-10B, and how they were dealt with in the other place.

However, that is their business and their rules. Those rules are different from our rules.

Honourable senators, I reviewed the messages to remind myself how the matter has proceeded through this place. I have confirmed that the matters are in order. That has been referred to in prior rulings.

The question of the wording of the message was raised by Senator Cools at an earlier time. It was addressed in a ruling that I gave on May 8, 2003. I refer all honourable senators to that ruling.

At this point, I find that there is no breach of our rules or conventions in the way in which we are proceeding. Accordingly, it is in order for us to resume debate on Bill C-10B at this time.

Some Hon. Senators: Question!

Senator Andreychuk: Honourable senators, I wish to speak on third reading. I wish to press the point that it is an historic moment when we have put ourselves in a position that, if we vote on third reading, we will be accepting a clear reprimand from the House of Commons. This will be noted by academics, historians and in our practice to come. However, I bow to the determination of The Honourable the Speaker and the will of the majority to continue with this bill.

I understand that the government has accepted the report of the committee and is prepared to go to third reading with all the amendments. I can only infer that the government is not opposed to these amendments as critic here did not speak against the amendments on the floor at third reading. However, I wish to put on record a few points.

First, I want to thank Senator Furey. This has not been an easy exercise in the committee nor on the floor here.

Some Hon. Senators: Hear, Hear!

Senator Andreychuk: I must say that his concern for the issues and independence of thought were very much appreciated. All the members have commented that they have had their say on this issue and that all sides of the issue of Bill C-10 have been aired. It is agreed that all witnesses were given an adequate chance to put their position forward.

Honourable senators I accept some of the amendments. Clearly, I was in favour of the amendments. Therefore, I will not speak to all of them.

The definition of an animal was of great concern to all of us. The amendment clarifies the definition of animal, as Senator Furey said in his speech at report stage.

The bill is before us because there is a change of attitude by the public towards the care of animals. Unnecessary pain to animals is certainly not to be tolerated or condoned in any way by anyone in Canada.

As I said in the committee, this is a clear signal of change and evolving attitude in our society at large toward animals. We are learning. We are gaining from our knowledge and technologies. With each step, we have had a revision of what we believe to be acceptable practice with respect to animals. Bill C-10B clearly gives the signal that unnecessary pain and suffering to animals will not be tolerated. It is no longer a game or sport to see an animal wince with pain or suffer pain.

I approve of all the comments made with respect to this amendment. It should be noted that this amendment was put forward also because the department, in representing the minister's position, indicated that this broader definition would not necessitate the government to return to Parliament to seek approval of it. In other words, the government could, by Order in Council or otherwise, broaden the definition of the animals or species that would be covered here. It indicated that it would take too much time to come back to Parliament.

• (1540)

Honourable senators, this kind of debate is necessary to educate the public of the purposes of the bill, as well as for all opinions to be heard. The definition should be narrowed and described as the amendment is put forward.

As we were studying the case, we were clearly hearing from Germany that ants would no longer be killed but trapped and released in the forest. That is a changing attitude. It was also acknowledge for the first time that fish can feel pain. Therefore, this is an evolving area, so surely that fact demands that, along with the public, those who are in animal husbandry, or who have traditional Aboriginal rights, should have the benefit of a parliamentary debate. It should not be left to someone in the bureaucracy to determine how far our attitudes have evolved. This amendment is definitely important.

The colour of right defence has also been adequately defended in its amendment form. Representative of the department told us that the colour of right defence was not necessary, that it was already covered in the common-law, and that the defence, as clearly stated, is somewhat redundant. In one case, it was noted that it would clutter the criminal law; and that perhaps it was an error of omission in leaving it, whereas other colour of right defences had been removed to a global common-law defence.

The criminal law has many purposes, and one of those purposes is to educate people and to clarify for those particularly affected what the Criminal Code provisions mean.

If you have a specific colour of right defence and you encompass it in a generic base, people feel threatened. Those in the Aboriginal community, in the farming community, in animal husbandry — those with traditional practices, such as in the Muslim faith and the Jewish faith — should not feel that something has been taken away, even if, legally, it has not. Practically, there should not be an undermining of confidence in the criminal law. Continuing the colour of right defence may be messy, but, in my opinion, it is necessary.

If there is another global cleanup of the Criminal Code, perhaps it could be looked at then. However, in my opinion, to particularly target those people who felt vulnerable seemed an unnecessary use of judicial practice. Practicality should rule.

With respect to the Aboriginal amendment, I would make it clear that I believe that every member of the committee shared the view that it was time that the government paid attention and gave some teeth to the Aboriginal rights to which we pay lip service. When we come to dealing with Aboriginal rights, we do not consult them fully or take their view into account in our draft legislation. We always consider their views after we have embarked on the process of drafting legislation. Despite all the government's fine words that they will act on the Aboriginal agenda and not interfere with their rights and privileges, we still deal with legislation here that proves that we have not learned our lesson.

In this instance, it was clear that little attention had been paid to the Aboriginal people's traditional hunting and trapping rights. There was good cause to include a clause, not so much as a protection for the Aboriginal people — because I think the clear protections are in the Constitution, in the Charter of Rights and Freedoms — but as a clear message to the government that this cannot go on, and that this Senate will, in fact, continue to play its role of protecting Aboriginal rights and exercising our fiduciary responsibility.

Committee members, without exception, were in favour of some amendments supporting Aboriginal rights. However, the amendment that came before us causes me some difficulty, although it does not seem to cause difficulty to anyone else on the government side, because I heard no mention of it at third reading debate.

I raised this issue in committee, and I raise it here again: The amendment as put forward could, in fact, lead to an interpretation of a reverse onus. That, in itself, is a matter of interpretation. We do have sections that start out: "No person shall be convicted...." That does not, of itself, turn into a reverse onus. However, if you look at the subject matter — the detail and complexity of Aboriginal rights — surely it will not be those who enforce the law, but the defendant who will have to prove his or her case. That causes me some difficulty.

It also causes me some difficulty that this is not a well-known area. Aboriginal rights are enshrined in legislation, such as the Nunavut Land Settlement Agreement and the legislation relates to the Nisga'a, but there are so many others still in negotiation. Therefore, some policeman in some area will have to confront some Aboriginal person and make a determination of whether that person is hunting, trapping and fishing in a traditional way and respecting treaty rights. If the government has been unable to conclude all these treaties, how will an enforcement officer, with that responsibility, unless there are very clear guidelines, training sessions and so on, know how to proceed?

In my own province, where hunting licences are necessary and Aboriginals have been exempt, police have undergone a training process with instruction about how to go about prosecutions that may infringe on Metis rights. I do not see the same kind of initiative being taken here, and that causes me some difficulty.

I sound those as warnings.

The proposed amendment that causes me the greatest difficulty is the one dealing with page 3, clause 2, which states that:

"(3) No person shall be convicted of an offence under paragraph (1)(a) if the pain, suffering, injury or death is caused in the course of traditional hunting, trapping or fishing practices carried out by a person who is one of the Aboriginal peoples of Canada

— and this is part that gives me some trouble —

in any area in which Aboriginal peoples have harvesting rights under or by virtue of existing aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*,

— and then the amendment goes on to state, and I have no problem with this —

and any pain, suffering or injury caused is no more than is reasonably necessary in the carrying out of those traditional practices.

This wording, in any area in which Aboriginal peoples have harvesting rights, could be interpreted to mean that: first, you prove you are Aboriginal within the meaning of the Constitution; and, second, you prove that you have some harvesting rights, by virtue of existing or Aboriginal treaty rights — and I have explained some of that. The full brunt of the amendment is that

no person shall be convicted if they hunt, trap or fish in any area in which Aboriginal peoples have harvesting rights. Therefore, someone from Saskatchewan, who is Aboriginal, who is part of a treaty process, will be able to hunt, trap and fish traditionally in his or her area and cause no difficulties.

However, this amendment infers that an Aboriginal person, armed with those treaty rights, can hunt, fish or trap in any area in which Aboriginal peoples have harvesting rights.

Some people argue that that is not the interpretation that will be drawn, but the clear reading of those words is "in any area." Someone from Saskatchewan who never was in another part of the country could, in fact, not be convicted under this section for hunting, trapping or fishing, where existing treaty rights belong to others.

That would not bother me if it just extended Aboriginal rights. That may be our wish, and it may be good policy to do so. However, what it does is that, in the future, where environmental resources are so scarce — and fishing, hunting and trapping we already know are endangered, and this is harvesting rights, sustenance rights — it will mean that we could have some altercations between two competing Aboriginal interests, which is surely not the business of this Parliament. This Parliament should be in a position to afford Aboriginals their rights, not pit them one against the other to prove their rights.

• (1550)

When we were debating the Nisga'a agreement, honourable senators will recall I argued that it was not the role of the federal government to determine whether the Nisga'a have preferable rights over the Gwich'in and Gitksan. I see in this case a situation where the interpretation, and quite validly, of the courts concerning a simple reading of this amendment would be to extend fishing, hunting and trapping practices to areas that had not been traditionally within that group of peoples, identified through a reserve, membership, et cetera.

If this amendment passes, which it seems it will, I sincerely hope that the government will in some way understand the difficulty it will create. If we think the *Marshall* decision caused difficulties, this one is much more loaded. In the long run, it could be seen to be exercising our fiduciary right in a very paternalistic, do-good way, while in the end creating more difficulty as opposed to correcting existing claims.

This situation could have been avoided if the Canadian government, through its policy, had first and foremost consulted the Aboriginal people. Surely, with something as obvious as hunting, trapping and fishing, there should have been a long consultation process before Bill C-10, let alone Bill C-10B, was ever put in place. There was enough time to have moved such amendments.

While the intent is correct, the sheer wording may create more trouble than benefit for Aboriginal people. I hope that the government will look at this and protect Aboriginal rights in a way that is meaningful, not just signalling that we care. I hope there will be a real and practical solution to their problems.

Senator Carstairs: Honourable senators, regarding the first point raised by Senator Andreychuk concerning the privileges of this chamber, I do not think that the other place can in any way infringe on our privileges. They can say anything they want. They can send any message they want. All they can do is reflect upon themselves. They cannot reflect on us. Therefore, I do not share the honourable senator's concern that our privileges have been limited in any way because they have sent us a message. Their message pertains to them and only to them. They send us messages all the time. If we do not act on those messages, they have no relevance to us.

There is no question that our privileges remain intact, and we may have enhanced our privileges by the action that we have taken concerning the separation of this bill.

The honourable senator also raised the issue of whether the government is in favour of these amendments. I think she knows that the government is not in favour of these amendments, but it certainly accepts the excellent work done by this committee. On that point, I want to thank in particular Senator Jaffer, the sponsor of this bill, for her hard work on the bill. I wish also to thank Senator Furey who chaired the committee in the way that Senator Andreychuk has described, that is, with fairness and with skill, to achieve the compromise that we have before us today.

In terms of the actual amendments, the other place concurs with the definition of "animal." They have also recommended and supported the minor French language amendment that has been put forward.

As Senator Andreychuk and other honourable senators are aware, they had a slightly different wording of the colour of right defence than that accepted by the committee. They have also expressed concern with respect to the wording of the Aboriginal amendment. As I understand from committee hearings, the Aboriginal amendment gave rise to some concern within the committee itself. Five members voted in favour of it, while two voted against it. As well, there were five abstentions. In terms of overall support for the amendments, there is some discomfort.

It is important that this bill go back to the other place with the amendments that the committee has fought hard to win and allow the members of that chamber to respond in the way in which they choose to respond. As a result, perhaps we will debate this matter another day. Perhaps they will accept the amendments in their entirety as recommended by the Senate committee. I have no way of knowing at this point just what the future holds.

I now wish to address an issue that I think is critical. For two and a half years now this chamber has indicated its concern regarding the use of non-derogation clauses that pertain to Aboriginal peoples. The fact is that with the wording before us today, we will now have five differently worded non-derogation clauses.

I stood in this chamber on an earlier occasion and indicated that I wanted the Standing Senate Committee on Legal and Constitutional Affairs to do a very careful study of this matter. I

said that because I think, quite frankly, that the government needs the advice and recommendations of this chamber on this issue through its Legal and Constitutional Affairs Committee.

This afternoon, I am pleased to say that, hopefully, early next week I will table a reference to the Standing Senate Committee on Legal and Constitutional Affairs to undertake such a study. I think that is the only way to deal with this issue so that we can be fair to our Aboriginal people and be faithful to the Constitution, in particular section 35. Above all, I believe it is the only responsible way to deal with future legislation that may or may not include non-derogation clauses.

Although it will be up to the committee, one of the issues I would like to see the committee canvass would be the possibility of putting a non-derogation clause in the Interpretation Act, which perhaps would solve this matter once and for all. Perhaps it would not. However, it is at least worthy of our study.

With those remarks, honourable senators, I conclude my comments.

The Hon. the Speaker: Senator Robichaud has asked for leave to deal with a matter of house business.

Debate suspended.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That all Senate Committees scheduled to sit today have power to sit while the Senate is sitting, and that rule 95(4) be suspended in relation thereto.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on behalf of the opposition I wish to articulate that, indeed, we are granting leave as requested by the Deputy Leader of the Government. In so doing, I wish to observe that some of us are members of the committees, meeting this afternoon. We do not withhold leave lightly. For example, the Standing Senate Committee on Social Affairs, Science and Technology is meeting to deal with its study on mental health in Canada. I am a member of that committee. As a psychologist, I have a particular interest in that study. However, my first duty is here in the chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator LaPierre, for the third reading of Bill C-10B, to amend the Criminal Code (cruelty to animals), as amended.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate with regard to what she has said. First, however, I wish to welcome the resolution that she has indicated she will bring forward to the house. We look forward to debating it.

Would the minister concur with the idea that the message that would carry this bill to the other place might have an added paragraph which may say something like: "Further, the Senate informs the House of Commons that the Senate does not concur with that part of the message of the House of Commons dated May 6, 2003, in relation to the assertion concerning any infringement of privileges or rights"? There would then be a record that we have taken out the second paragraph of the message that we received from them because we simply do not concur. I agree with the honourable minister that they can determine their rights. However, the way in which that paragraph is written might not be the best use of words, but the message is now before this house.

• (1600)

Procedurally, honourable senators, perhaps we ought to discuss that after the bill receives third reading, but before His Honour automatically puts the question, so that a message could be sent, as long as we could have a moment for debate. Perhaps the Leader of the Government in the Senate could comment.

Hon. Sharon Carstairs (Leader of the Government): That would be a reasonable process, honourable senators. We could proceed with third reading. I know that Senator Adams wishes to speak, and I see no reason why we could not debate that message. Perhaps, if we concur at third reading, it would be possible. I would need some advice in respect of a delay in sending the message until tomorrow — until we have had an opportunity to add a few comments to that effect.

Hon. Anne C. Cools: Honourable senators, perhaps I could have clarification of the current procedure. Are we back at Bill C-10B?

The Hon. the Speaker: The house is at third reading debate of Bill C-10B. There was an intervening house matter in respect of a committee's request for leave to sit while the Senate is sitting.

Senator Cools: I wish to take the adjournment of the debate.

Hon. Willie Adams: Honourable senators, I would like to elaborate on Senator Andreychuk's comments earlier on the Aboriginal amendment. We understand and recognize that we are all Aboriginal — it does not matter who you are; that is in the Indian Act. For those who have continued with their Aboriginal lifestyles, there is no difficulty with hunting any kind of animals that they want. However, Bill C-10B was introduced in the Senate last December and it does not identify the kind of animals it pertains to.

Right now, there are hundreds of different animals in the North that are different from the animals in the south. We also have different mammals in the sea, in the rivers and in the lakes. We hunt but we do not have anything to do with the kind of animals in Bill C-10B. Nothing in the bill tells us what kind of animals we are concerned about in respect of cruelty to animals.

Many animal lovers and bird watchers come to the North but then move back to the South because the northerners are killing the poor animals. That is what we would face if the bill were to pass without Aboriginal amendments. Right now we have quotas for hunting whales and polar bears and we may have quotas for fishing if it is commercial.

We would have no difficulty with an Aboriginal amendment. There is the colour of right and Aboriginals want protection with an amendment. There is talk about a fine of \$5,000 or five years in jail, and yet the bill does not state the kind of animals that we can kill. It only talks about cruelty to animals. Each time I go home and pick up my gun to hunt, am I being cruel to animals? That is what the bill would do to Aboriginal people.

The bill does not state the kind of animal but rather talks about the feelings of animals. A witness from the department talked about putting worms on hooks. Someone might say that was being cruel to animals. We do not eat the worm.

The Governor in Council might correct the bill after it is passed, but it would be easier if an amendment were passed at this time so that the bill could return to the House of Commons. If that House does not understand, there are Aboriginal members of Parliament who could explain it. I think we have to do it. Why was section 35 put into the Constitution? We will wait another 100 years to start using it. Now, Aboriginals have to go before a judge of the Supreme Court to find out whether the government is wrong or right. The time to act is now before people in the northern communities end up in jail due to the cruelty to animals provisions in Bill C-10B.

I am not a judge, only a hunter. I have no real difficulties, but I do want to know what my future will be if Bill C-10B passes. What is the future for my people in the North? What does Bill C-10B mean?

Hon. Charlie Watt: Honourable senators, I had not planned to speak, but Senator Andreychuk has put me in a position that I think I have to say something.

In respect of the lack of consultation by the Government of Canada, I fully agree with Senator Andreychuk that consultation is an issue that has not been appropriately dealt with. I cannot take that away from Senator Andreychuk. I attempted to follow the honourable senator's point as closely as I could about her concerns as a person from Saskatchewan. Saskatchewan has a huge number of Aboriginal people. I share the honourable senator's concern about what they may be getting above and beyond what they already have. I have to wrestle with that.

• (1610)

Senator Andreychuk put forward the argument that this could allow Aboriginal people from anywhere from this country to go into any other area of this country and be free to hunt. I believe that was the bottom line of her concern. She also mentioned the fact that we have not fairly taken care of the Aboriginal people. Therefore, I am not quite sure where Senator Andreychuk stands on the entire issue of Aboriginal rights. She appears to be doing a balancing act in your own mind when she tells us why she has have some difficulties and reservations concerning the amendments.

Let me assure all honourable senators, not just Senator Andreychuk, as Senator Adams states, Aboriginal peoples have a specific agreement, aside from the constitutional recognition. That agreement is entrenched in the Constitution. That agreement itself is well spelled out and covers administrative aspects and the matter of who may come into and who may not come into various territories. My comments also apply to the James Bay and Northern Quebec Agreement. There is also some recognition that Aboriginal people from outside of the area may hunt in certain designated areas. Those matters have been dealt with. Administratively, controls are in place.

A joint management agreement between the Government of Quebec and Nunavut is already in place. Such an agreement also exists in relation to the joint management of Nunavut, which used to be part of the N.W.T., and which is under federal jurisdiction. A joint management agreement between the Government of Canada and the Aboriginal people, that is, the Inuit, is in place.

Let me go back to the reason for the amendment. I, for one, do not savour the idea of my people appearing before the courts. That will happen if we pass this amendment. Realizing that, I must ask myself: As a parliamentarian, as a politician, am I putting my people in the position where they will be tried in the courts because of their traditional way of hunting?

Then I have to ask myself another question: Is not having an amendment at all better? No. If we have no way of defending ourselves, and if we do not make the amendment and rely solely on section 35 and the specific agreements in any argument to defend ourselves, we would, unfortunately, be in a worse position.

Honourable senators, that is why, as much as I still have reservations on this issue, I think it is necessary to push ahead, even though the situation is not entirely satisfactory.

On the whole question of the non-derogation clause, if that non-derogation clause is respected word for word as in section 25 of the British North America Act, it makes me wonder whether we need those amendments. The fact is that the Department of Justice, on its own, decided some time ago, shortly after 1995, to fool around with the wording in the legislation. That, to me, is slowly eating away at our rights. Two pieces of legislation are eating away at them. That must be stopped.

Having previously been involved in negotiations, I wonder if continuing to rely on the courts to define those rights is the right thing to do. We must accept the fact that that is our responsibility as parliamentarians. The Senate is the perfect place to determine what we are doing wrong. We need to correct what we are doing. We must all understand that we are parliamentarians and, as such, we have responsibilities to fulfill. Rather than leaving it to the courts to do all the work, let us begin the process here. That is what we need to do.

Senator Carstairs has stated that she will be moving in that direction. However, this is something I have been wrestling with for quite a long time. I have been here for 19 years. For two solid years, I have been trying to drive that message home, but we are going nowhere. For that reason, as much as we might have some reservations, we must move ahead.

I trust that all honourable senators understand that this is a very important amendment, and that we will live with the consequences.

I did my best, as an individual senator and as an individual Inuit, to consult with my people on those questions, and not only with my people, but with the Metis and the Assembly of First Nations. Unfortunately, again, we are not in the front line. We only have the opportunity to deal with the situation at the tail end. Perhaps it would be different if the structure within the system were rearranged slightly to allow Aboriginal people to have space. Today, we have no space. We need that space within the structure of the system.

The Hon. the Speaker: Are there questions for Senator Watt?

Senator Cools: I may have a question. I was planning to speak tomorrow at third reading of this bill, because we were told, at our weekly Senate caucus, that Liberals had until Thursday to speak. I now get the impression that the debate may be drawing to a close today. Perhaps I could have some clarification. I would like to speak tomorrow.

The Hon. the Speaker: Caucus matters are for caucus; we are in the Senate. You may pose a question or comment on Senator Watt's speech.

Senator Carstairs: If the honourable senator would agree to speak tomorrow and she wishes to adjourn the debate, we would be quite happy on this side to allow her to gather her notes together in order to speak tomorrow.

[Translation]

Hon. Aurélien Gill: Honourable senators, Senator Watt has elaborated on the issue of Aboriginal Peoples' hunting grounds. Before the arrival of the Europeans, there were rules stating that hunting grounds were to be assigned to kin networks and nations. This holds true today. In James Bay, in the Arctic, the rules have been enshrined in an agreement. However, we have no such agreement. The Innu have always had rules. Grounds are assigned to certain families. Should other families want to hunt on these grounds, they must seek permission from the family managing the grounds to do so.

• (1620)

It is not as though the rules of the game were being set just now. The Aboriginal civilization is a very old civilization. It is not as though the world did not exist before today. These are the aspects about which we would like to make suggestions to the Senate and for which we are seeking cooperation. The world has been around for quite some time. We must continue to build this world and to establish appropriate relations between Aboriginals and non-Aboriginals. That is what we are trying to do. I wish to point out that several honourable senators already got the idea and have been trying to make a contribution.

[English]

The Hon. the Speaker: Do you wish to comment, Senator Watt?

Senator Watt: No.

Senator Cools: Honourable senators, I move the adjournment.

Hon. A. Raynell Andreychuk: Honourable senators, I would like to make it clear to Senator Watt that I am not opposing the amendment. My concern has not been how traditional peoples have conducted their rules. My concern in adopting the amendment is that the Government of Canada understand that Aboriginal rights must be respected and that when there is any conflict they go back to traditional practices.

My difficulty has never been with the presence of the amendment. My difficulty has been that, in the due course of events, sometimes the Department of Justice and administrators of justice across this land give interpretations to legislation.

Putting the concerns on the table here is a clear signal to the government that they should act at the start, not at the end, and respect Aboriginal rights and start giving full force and effect to them. No wording should be used in legislation as a way to circumvent them.

I want to commend Senator Watt for very eloquently representing these issues so sensitively for all sides and all parts of the country. Does he understand that my concerns are with the

interpretation that the federal government often gives later to such amendments? For example, we have put non-derogation clauses in legislation, and they have been ignored in the past. Will we have an excuse by way of this wording to avoid true intent being given to this clause?

Senator Watt: Honourable senators, at times we end up dealing with the government interpretations other than those that were intended. I do not expect that to stop today.

Senator Cools: Profound.

Senator Watt: We must do our utmost to continuously express the reality in this area. The players within the government who formulate laws and policies must bring the application of legislation down to a practical level. If not, we will eventually end up with nothing more than the policy of the government. We have seen that in this place for quite some time.

As I say, I do not expect that to stop. Our responsibility is to keep on reminding the lawmakers that there is a reality that they must understand. The reality is that we are different from the people living in the South. We behave differently. What we rely on for our livelihood, our economy is different because we do not have the same kind of luxuries and access to goods as the people in the South.

The protection might be very unusual to a non-native person who has never seen the day-to-day life of a person in the North. They have never seen how a person in the North exercises their life in order to survive and keep the family alive.

It really boils down to this: Do we understand the way your system works? I have been here long enough now that I have a partial understanding of how your system works. I do not believe in all the rules and procedures. You have too many of those and too many laws. You find yourselves at times spending more money than you do generating revenues.

Senator Cools: The honourable senator has made a profound point. There are too many rules and laws.

On motion of Senator Cools, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave, I move that the Senate do now adjourn. I request that all items on the *Order Paper and Notice Paper* stand in their place.

The Senate adjourned until Thursday, May 29, 2003, at 1:30 p.m.

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Thursday, May 29, 2003

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THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, May 29, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATOR'S STATEMENT

CANADA-UNITED STATES RELATIONS

COMMENTS BY PRIME MINISTER

Hon. Gerry St. Germain: Honourable senators, never before in the history of our nation have we had a Prime Minister who has so disgraced this country and so clearly betrayed Canadians in their approach to relations with the United States. Rarely, in our history, have Canada-U.S. relations been so eroded and endangered as they are today. Never before has our national government been so careless and so utterly disconnected from the sentiments of the majority of Canadians who truly value our unique historic relationship with America.

Canadians are realists. They understand and appreciate the importance of strong and constructive bilateral relations. They expect our government not only to value the positive relationship Canada has always maintained with America, they expect our national government to constantly nurture this relationship.

Ask any forestry worker on the British Columbia coast about the importance of good Canada-U.S. trade relations. The first thing you will hear is that this Prime Minister and his government's foreign relations policies have abandoned B.C.'s forest industry, allowing the softwood lumber trade dispute to fester. The Liberal regime has ignored this critical trade dispute.

While our Prime Minister continues to take partisan potshots at the U.S. administration, B.C.'s forestry workers continue to lose their jobs. These workers, like the vast majority of Canadians, expect our Prime Minister to be respectful of Canada's unique relationship with America, not antagonistic and abrasive. Canadians certainly do not expect our Prime Minister to play a partisan game that positions Canada as the political enemy of the current American administration.

Since President Bush has been in office, our government has been at odds with the U.S. on a number of important international issues. The Liberal regime ignored the importance of strong Canada-U.S. relations, when the Prime Minister led his pack of foolish cowards as they deserted the coalition of the willing and refused to defend freedom's cause and fight terrorist oppression in the invasion of Iraq.

Following in the wake of that disastrous decision, our PM now makes a distasteful comment in an attempt to contrast the policies of his administration with those of the Bush administration. What a contrast that is, honourable senators.

Unfortunately for Canadians, the policies and initiatives of the Chrétien regime speak of an erosion of respect, the promotion of mediocrity and the abandonment of personal responsibility, facilitating disunity, overtaxation, unaccountable decision-making and reckless public spending. This sorry list, which is devoid of any connection to real Canadian values, goes on and on.

When one looks to the south at the policies of the Bush administration, one sees policies that reflect true respectful values, that speak of excellence, decency, unity, accountability, achievement, fiscal prudence, freedom and respect.

No, honourable senators, our Prime Minister has nothing about which to boast. There is simply no comparison between his leaderless auto-pilot and arrogant administration and the strong, competent and internationally acclaimed leadership of President George W. Bush.

ROUTINE PROCEEDINGS

CANADIAN ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS CANADIAN ASSOCIATION OF FINANCIAL PLANNERS

PRIVATE BILL TO AMEND ACT OF INCORPORATION— PRESENTATION OF PETITION

Hon. Michael Kirby: Honourable senators, I have the honour to present a petition from the Canadian Association of Insurance and Financial Advisors and the Canadian Association of Financial Planners, of the City of Toronto, in the Province of Ontario, praying for the passage of an act to amalgamate and continue in existence as one corporation under the name The Financial Advisors Association of Canada or such other name as is acceptable to Parliament.

QUESTION PERIOD

CANADA-UNITED STATES RELATIONS

COMMENTS BY PRIME MINISTER REGARDING ABORTION

Hon. Gerry St. Germain: Honourable senators, I have one short question to ask of the Leader of the Government in the Senate.

It relates to the comments the Prime Minister made aboard the aircraft in which he said he would never fly, the Airbus, as he was on his way to Europe. It concerns the reference he made about the fact that President Bush is pro-life and that the Prime Minister is pro-choice.

As a Roman Catholic, I happen to be pro-life and believe in what the Holy Father in the Vatican teaches, a position of which I am proud. I have never heard that belief bandied about or brought into question in general political discussions; that should be.

Could the minister possibly explain to us why her Prime Minister, the head of her cabinet, would bring up a subject that is so contentious and personal in a discussion with the media?

• (1340)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Prime Minister has been very clear for many years that he is pro-choice, as am I and as are a number of people who practice the Catholic faith throughout the world. That was the position that he indicated to the media, and it is one that he has taken in the past.

Senator St. Germain: I am respectful of everyone's position, but why make a contrast with our largest trading partner, our best friend and our closest neighbour?

Senator Carstairs: It is a contrast, honourable senators, between the philosophical background of one individual and the philosophical background of another individual. That is what was being debated. The Prime Minister indicated his position. He indicated that the other individual has contrary views. That is why they have different attitudes toward governing.

Senator St. Germain: I do not think there is a philosophical difference; there is a spiritual difference. As Senator Cools points out, it is not a matter of what the difference is. It is a question of raising that subject in the manner that he raised it. He was trying to position himself above the President of the United States by virtue of the secular, worldly position that he has assumed.

Senator Carstairs: I do not agree with that characterization at all. I do not think the Prime Minister was trying to put himself above or below. I think he was trying to show the President that he is different.

Senator St. Germain: He is, believe me.

THE SENATE

SPLITTING OF BILL ON HUMAN REPRODUCTION

Hon. Douglas Roche: Honourable senators, yesterday I asked the Leader of the Government in the Senate why the government refused to split Bill C-13. Perhaps the leader misunderstood my question because she started talking about my assumed

inattention to the complexities stemming from the splitting of Bill C-10. I assure the minister, respectfully, that I have been paying close attention to the peregrinations of Bill C-10A and Bill C-10B, but that was not what I was talking about.

I ask again, why did the government refuse to split the controversial Bill C-13? As far back as 1996, when this bill was in its previous incarnation, several members of Parliament requested that the bill be split, including a parliamentary secretary. In fact, the Standing Committee on Health, which spent nearly a year in an exhaustive review of this legislation in its draft form, recommended splitting the bill.

The Minister of Health did not appear before the committee on Bill C-13, nor did she provide a comprehensive response to the committee report on the draft bill. At no time has a substantial response been given by the government as to the refusal to split Bill C-13, as was requested several years ago.

Hon. Sharon Carstairs (Leader of the Government): The government made a decision, honourable senators, to include in one bill the issues that are in Bill C-13. The decision has not changed from the very inception of that bill to the bill that is presently before the House of Commons at third reading stage and will shortly come here. When Bill C-13 is referred to committee, which I anticipate will happen later this month, I would invite the honourable senator to put that question to the honourable minister.

Senator Roche: Will the minister recognize that many important groups in Canada believe that the reason the bill was not split is that the first part prohibits cloning, which almost everyone is against, and the second part deals with the regulation of research activities, which gets into the question of embryonic research, which in turn touches on the sanctity of life? It is an extremely controversial position. The government has put parliamentarians in the position that if they vote against this bill, they will be voting for cloning, which we do not want, but at the same time they will be voting for embryonic research, to which many in this country are vehemently opposed.

Senator Carstairs: With the greatest of respect, the honourable senator and I have different views on this matter. One cannot discuss cloning without also thoroughly discussing research activities because that is the basis upon which cloning takes place. Separating Bill C-13 into two bills is almost an impossible task. I would suggest that if the honourable senator wishes to pursue this issue further, the best and most appropriate way to do so would be when the bill goes to committee.

FOREIGN AFFAIRS

UNITED KINGDOM—
RETURN OF PARTHENON MARBLES TO GREECE

Hon. Pana Merchant: Honourable senators, this morning's *The Globe and Mail* quotes our Minister of Foreign Affairs, questioned in Athens, about the Parthenon Marbles. He indicated he supports their return through UNESCO, but has applied no direct pressure.

What do the British say on this issue? The former Leader of the Opposition, the Right Honourable Neil Kinnock, said the Parthenon without the marbles is like a smile without its front teeth. More seriously, Christopher Price from the BBC said that the only thing British about the marbles is the fact that one of our ambassadors filched them.

The U.S. has a resolution before Congress. Australia, Sweden, Belgium, Turkey, New Zealand, Iran, Serbia, Bosnia, Bulgaria, Croatia, Slovenia and other European Parliaments have all pressed motions similar to the position taken by both Houses of Canada's government. Prime Minister Helen Clark from New Zealand just wrote to Tony Blair. Last year, John Howard, the Prime Minister of Australia, raised the issue publicly with Prime Minister Tony Blair. Russian President Vladimir Putin expressed his support in 2001 —

Some Hon. Senators: Question!

Senator Merchant: Will the Leader of the Government press the motion of this house upon her cabinet colleagues, in particular Minister Graham, to further the appropriate cause of fairness?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for her question. Of course I will bring the matter of the resolution passed in this chamber to the attention of all cabinet ministers, including the Prime Minister.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator LaPierre, for the third reading of Bill C-10B, to amend the Criminal Code (cruelty to animals), as amended.

Hon. Anne C. Cools: Honourable senators, I rise to speak to third reading of Bill C-10B. I am sure that all honourable senators know that Bill C-10B is a bill of some complexity. It is not large in size, but certainly large in complexity.

Honourable senators, I should like to begin by explaining a little bit more about one particular amendment that was made in the Standing Senate Committee on Legal and Constitutional Affairs. Senator Furey, in his speech two days ago, explained the amendments that the committee had made in a pretty fulsome way, but I should like to focus on one.

I moved that particular amendment in committee. It was an amendment to clause 2 of the bill and, in particular, the proposed section 182.5 of the Criminal Code. The amendment that has been adopted with the report in this chamber reads as follows:

• (1350)

No person shall be convicted of an offence under this Part where he proves that he acted with legal justification or excuse or with colour of right.

Honourable senators, I should like to provide a further explanation as to why I moved that amendment and to why the committee saw fit, in its wisdom, to adopt it. As honourable senators are aware, passage of Bill C-10B will bring about a major amendment to the Criminal Code. In essence, it will move the new sections on animal cruelty not into the property sections of the Criminal Code but into a new part of the Criminal Code.

The animal cruelty sections are found in Part XI of the Criminal Code, which is headed: "Wilful and Forbidden Acts (Property)." Part V is headed: "Sexual Offences." Passage of Bill C-10B will create a Part V.1, which will be called: "Cruelty to Animals." Interestingly enough, Bill C-10B will amend section 182, a section dealing with dead bodies. This change, therefore, will be quite dramatic and profound.

What bothered many honourable senators, including myself, was that the shift, the realignment and these redefinitions in the Criminal Code just appeared in this bill with little articulation or historical background as to why the structure of the Criminal Code was being changed. This caused some anxiety to many of us.

This anxiety was created because the Criminal Code, in matters of defences, preserves what we call the common law defences. Section 8.3 preserves common law defences as defences in criminal prosecutions. Section 8 dates back to approximately 1954. Around 1954 or 1955, the Criminal Code was overhauled. It was the first major overhaul since about 1892. There was great concern amongst parliamentarians and the legal community that the common law defences be preserved.

Section 8.3 states as follows:

Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act or any other Act of Parliament, except insofar as they are altered by or are inconsistent with this Act or any other Act of Parliament.

It is interesting to note another relevant section of the Criminal Code to do with colour of right, legal justification or excuse, and that is section 429. Section 429(2) states:

No person shall be convicted of an offence under sections 430 to 446 where he proves that he acted with legal justification or excuse and with colour of right.

Honourable senators will immediately notice the similarity between section 429(2) and the amendment that I proposed in committee. As one can see clearly, the words are almost verbatim. My amendment was as follows:

No person shall be convicted of an offence... where he proves that he acted with legal justification or excuse and with colour of right.

Senator Furey explained a few days ago, and I wish to make the point again, that the committee adopted this particular posture because there was considerable doubt among the legalists and the lawyers who appeared before the committee as to whether or not colour of right was included in the section 8 common law defences. There was a lack of clarity.

In addition to that, in *R. v. Jones and Pamajewon*, in 1991, Mr. Justice Stevenson, essentially speaking for the court, rejected that the colour of right defence did not need to be specifically written into the offence section.

After much debate, consideration and considerable reflection, the members of the committee decided to import the exact words from section 429(2) into Bill C-10B so that those words would be contained in the new sections on animal cruelty, as a new part of the Criminal Code was being created.

Honourable senators, there was significant concern that, with this totally new conceptual and legal framework, the possibility existed that false, malicious or mischievous prosecutions could flow.

In its wisdom, the committee sought to ensure that the defences of legal justification, excuse and colour of right were not only preserved, but also articulated clearly in the relevant sections so as to provide great clarity and direction to the courts and relevant individuals.

Honourable senators, I should like to continue by saying that this committee heard from many witnesses, particularly witnesses from what I would call the husbandry professions. We heard from the agricultural community, those people who were involved in the use of animals. We heard from hunters. We heard from scientists, the scientific research communities and also from particular faith communities. My recollection turns immediately to the Islamic and the Hebrew communities, who were very concerned about potential prosecutions under this particular bill. The theme that seems to run through all of the debate is for adequate provisions for the proper defence of individuals against malicious or false proceedings or wrongful prosecutions.

Honourable senators, many of us have expressed numerous concerns about this bill. I was raised to be a great respecter and a lover of animals. I come from a family that was a great lover of horses. My mother used to tell us that the phenomenon of man's inhumanity to man also includes man's inhumanity to animals. Another expression that my Methodist mother used was: Cruelty to animals is a sign of a low mentality.

Despite the fact that we are respecters and lovers of animals, I believe that we all subscribe to the notion that animals remain property, that animals are treated with a degree of subjugation and subordination to human beings, and that animals should not be elevated to a near human status.

I say with great sincerity that these amendments are an attempt to provide what would be considered a balance in this legislation. There can be no doubt that hunters and anglers and the relevant communities have a sense of consternation about the proposed provisions of this particular bill. To that extent, we thought that we should maintain some balance in the bill.

I should like to move to a small but interesting point. In my speech at second reading of then Bill C-10, I raised my concerns about what I call "social engineering." That is one of my preoccupations in life.

• (1400)

We have seen a social phenomenon in the last years — we have been making men into women and women into men and trying to rid the world of evils like guns, hunters, hunting and so forth. I have always viewed these as programs of social engineering.

I wish to place on the record a document that I raised in committee on numerous occasions. It is an extract from an organization called the Animal Alliance of Canada. It is an extract from their winter 2002 newsletter.

Hon. Willie Adams: Honourable senators, I cannot hear Senator Cools speak.

The Hon. the Speaker: Honourable senators, we are having difficulty hearing. Please conduct your conversations outside the chamber.

Senator Cools: Honourable senators, I thank Senator Adams for that comment. He knows that many of us here have great respect for him and the concerns that he and Senator Watt brought forward to the committee, particularly about the impact of this bill on Aboriginal rights. I am flattered that Senator Adams was listening to me so attentively.

Bill C-10B amendments to the Criminal Code seemed to spring from nowhere. I would have thought that when the Criminal Code is being restructured, considerably more study would go into the propriety and the constitutional significance of such an exercise.

I quote the newsletter of the Animal Alliance of Canada as follows:

On another front — and again thanks to your support and determination — the federal government is about to pass a bill, C15B, that will forever change the way animals are viewed in law.

Bill C-15B, which makes changes to the animal cruelty section of the Criminal Code, recognizes for the first time that animals are not just "property," but rather beings in their own right who feel pain and are therefore deserving of legal protections.

I can't overstate the importance of this change. This elevation of animals in our moral and legal view is precedent setting and will have far, far reaching effects. We'll make sure of that...

It's you who can take credit for this. You see, the reality is that Bill C15B did not come about because our federal politicians in the Liberal Party suddenly saw the light. No! C15B happened because Animal Alliance and our political arm, Environment Voters — thanks to your generous donations and letter writing — proved in elections and on Parliament Hill that support for C15B would win votes, and failure to pass C15B would cost votes.

It started in the last federal election. Because of a commitment made by the Minister of Justice Anne McLellan, in the House of Commons, to pass C-15B, Environment Voters campaigned for her re-election. Under attack by hunters and gun owners and a cabal of extremist right wing groups Ms. McLellan was in a losing campaign.

The Hon. the Speaker: I am sorry to interrupt, but I must advise that the 15 minutes allotted to Senator Cools has expired.

Senator Cools: May I continue for one minute?

The Hon. the Speaker: Is leave granted for Senator Cools to continue?

An Hon. Senator: No.

The Hon. the Speaker: I am sorry, leave is not granted.

Hon. Serge Joyal: Honourable senators, I would like to restrict my comments to the allotted 15 minutes. I understand that colleagues have other functions to attend later this afternoon. However, I would be remiss not to put on the record today my proposal to honourables senators in relation to Bill C-10B.

First, I commend Senator Furey, the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs during the six months the committee studied this bill and produced the report presented earlier this week on the animal cruelty provisions of the Canadian Criminal Code.

Honourable senators, this bill seems to be innocuous. Who is in favour of cruelty to animals; who is not opposed to it? We all feel the same way when we see animals treated with cruelty. There was no quarrel with the general objective of the bill.

The problem stems from the fact that this bill recognized a conflict in civilization — Aboriginal culture versus non-Aboriginal culture. Those of us who are not Aboriginal have a pyramidal or vertical vision of the universe. We all know, through ancient scripture, the Bible and ancient history, that there is God, then man, then animals and then the other creatures.

Honourable senators, for Aboriginal people, this is not the case. Aboriginal people live horizontally with the universe. There is no order or scale of importance. As I tried to understand what is at stake with this legislation, I looked at the research that has been published on this matter. One publication, entitled: *The Spirit of Indians*, states:

[Translation]

Since the dawn of time, the nations have followed you, O Great Spirit. Some, the people of the water; heed the spirit of the sea, of the otter, and of the salmon. Others, the people of the desert, hear your voice in the rain clouds and in the four sacred mountains. Our people of the plains heeds the spirit of the buffalo and of the sky. The people of the gulf heed the spirit of the redbird. Our nations of the Great Lake heed the spirit of the wapiti, of the hickory tree, and of the great forests.

[English]

With regard to animals, the Indian symbols that have been published recently state as follows:

[Translation]

According to Indian tradition, all human beings are related to nine animals, which accompany them on their life journey and give them skills and talents.

[English]

In other words, in the Aboriginal culture man is linked to nine animals. This is so much so that of the 39 Aboriginal nations that existed in 1701, at the time of the signing in Montreal of one of the first treaties in Canada, more than 20 signed with animal signs.

I have here a photocopy of that treaty, the original of which is in the archives in France. We have no original copy of the treaty in Canada. The Aboriginal people of those days signed with, for example, "les onontagué" and "un échassier." Condionrank, the most important Aboriginal leader of the time, the leader of the 39 nations, signed with the sign of a rat. He did not write the word "rat" but rather drew a rat.

• (1410)

Les Outaouais, named after the river, made their sign that of a bear. If honourable senators were to go through all the treaties, they would see these pictures of animals.

What do we, non-Aboriginal people, have as our perception in understanding animals? Justice Lamer decided the famous *Menard* case in the Court of Appeal of Quebec in 1978. It is the leading case that defines, for Canadians, the meaning of the order of the universe. What did Justice Lamer say in that case? He said, and I paraphrase, that men do not renounce the right given to them by their position as supreme creatures to put animals at their service to satisfy their needs. Man, in the pursuit of his purposes as a superior being, in the pursuit of his well-being, could continue to use the animals.

What does that mean, honourable senators? It means that this bill has been conceived by non-Aboriginal people to deal with how Aboriginal peoples deal with animals. This is very important because Aboriginal people in Canada have rights that most of us do not have. Most of us, who are not Aboriginal people, do not have a certain set of rights. Why is that? I quote the Supreme Court of Canada in the 1996 *Van der Peet* decision:

[Senator Cools]

...the doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they have done for centuries. It is this fact, and this fact above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

It is clear that because the Aboriginal peoples were here before any of us, because the ancestors of the six Aboriginal senators who are in this room were here before us, they have special rights to maintain their culture and their type of society. This is the fundamental principle enshrined in section 35 of the Constitution when we entrenched Aboriginal rights.

What did we do when we entrenched those Aboriginal rights in 1982? I wish to refer to the decision of Justice Sharpe of the Ontario Court of Appeal in 2001, in a famous case involving the Metis people. What did Justice Sharpe say about the rights of the Aboriginal people? He said:

Two fundamental purposes for the constitutional protection of Aboriginal rights have been identified. The first purpose is the recognition and respect for the prior occupation of the land by distinctive aboriginal societies.

He went on to say that the second fundamental underlying purpose of section 35 is that it provides the constitutional framework through which the fact that Aboriginals live on the land in distinctive societies with their own practices, traditions and culture is acknowledged and entrenched with the sovereignty of the Crown. This means that their rights are protected by the Crown, not by the government. As senators, we have a responsibility to advise the Crown as to how to deal with the Aboriginal people in this bill because this bill directly affects their traditional hunting, fishing and harvesting practices, rights that pre-date our own rights. Those rights were not recognized by the Constitution. They were there before the Constitution of 1982 was adopted. That was confirmed by the Supreme Court of Canada in 1984, in the landmark *Guérin* case, in which it was stated that the right of Aboriginals to their territory is a pre-existing right in common law. It was not created by the Royal Proclamation of 1763 or by section 18(1) of the Indian Act or by any other statutory instrument or executive order.

When we impose obligations on non-Aboriginal people who are fishers, hunters and harvesters of animals, we cannot do so without questioning how that will affect their traditional hunting and fishing practices. That is why it is so important to support the amendment that has been brought by the committee that studied this bill for more than six months.

When we legislate, honourable senators, we legislate for all Canadians. That is why Parliament was constituted. In this bill, we do not want to make an exemption for Aboriginal people because Aboriginal people could be cruel to animals. We want to

ensure that when they exercise their constitutional and traditional fishing and hunting rights, they do so without the risk of finding themselves in a criminal court having to defend themselves. This is the only thing we are doing with this bill.

If Aboriginal people exercise their traditional fishing and hunting rights the way they have always done on their land, they could raise that defence in court. That is what this amendment addresses.

This amendment is important because, through our legislative activities, we move slowly but progressively to more or less surround the Aboriginal society and corner Aboriginals in terms of their cultural practices in relation to fishing and hunting. We have gun registration and endangered species legislation. Numerous acts affect their fundamental, traditional, ancestral rights. That is why it is so important that this house, the house of minorities, the house that represents Canadians who are disadvantaged, can draw the attention of the whole of Parliament to this bill. When we create a new offence and increase the penalties, we must ensure that we protect the Aboriginal peoples in a fair and consistent manner. That is why the Criminal Code recognizes in paragraph 718.2(e) that when an Aboriginal person is to be sentenced the judge must take into account the fact that this is an Aboriginal person.

Essentially, honourable senators, we are being consistent with the new Constitution that was adopted in 1982. That is to say, when we legislate and it directly affects the traditional and ancestral rights of Aboriginals — their cultural way of doing things in what identifies and characterizes their being — we have to think twice. As a majority, we must give this matter sober second thought. We can move as a majority. We are a majority of non-Aboriginal people. We can move easily, but that is not what we want to do. We want to give fair recognition in this bill, which would amend the Criminal Code of Canada, to Aboriginal people and their capacity to use their traditional status and ancestral practices in relation to dealing with animals. It is no more or no less than other Canadians. At least we will have signalled that we will honour the commitment that the Crown took in 1701 and in 1763 to protect the way of life of Aboriginal people in a fair and respectable manner.

Honourable senators, this is a very complex issue. The Leader of the Government this afternoon has committed herself on behalf of the government to come forward with a better solution to this issue. We want to all feel comfortable that when we legislate, we properly recognize the traditional ancestral rights of Aboriginal people. I commend the government leader for that initiative. I know that she is working with many other senators to achieve that goal. It is for that reason that I invite honourable senators to support Bill C-10B at third reading.

• (1420)

Hon. Thelma J. Chalifoux: Honourable senators, I should like to thank the committee for having taken the responsibility to deal with this bill with the sober second thought for which this house is so famous.

Included in the definition of "Aboriginal" in the Constitution are three separate nations: The First Nations, the Metis, and the Inuit. However, we must consider each nation separately in this bill.

The Metis have not met with the favour of this government in recognizing their just rights with respect to hunting in the Constitution of Canada. We have had to go to court. In fact, in Alberta, several cases have gone before the courts.

The Metis do have settlements, and they are allowed to hunt in those settlements. The Saskatchewan Metis have just signed treaties and agreements, as have the Manitoba Metis. They recently signed another agreement on hunting, which went through the courts. In Ontario, a court has also made a decision regarding Metis hunting rights.

Honourable senators, my concern relates to the Metis who live in the mid-Canada corridor, who live the traditional lifestyle, who depend on hunting, fishing and trapping. That is their lifestyle. I live there. I know. That is why I totally support the efforts of the senators who sat on the committee, who recognized the needs of the Metis people, and who proposed these amendments. Our people in those areas do not have much money since there is over 95 per cent unemployment in those communities. Therefore, I totally support this amendment.

It is with deep gratitude that I applaud the efforts of the committee and the Aboriginal senators who, in their wisdom and in demonstrating their tenacity proposed these amendments that will begin to address the traditional hunting practices of the Aboriginal nations as defined in the Constitution Act, 1982. Thank you so much for recognizing the needs of our people in the mid-Canada corridor.

Hon. Gerry St. Germain: Honourable senators, as Metis, I should like to reinforce what Senator Chalifoux has just said. I know the area in which she lives and how important hunting rights are to the Metis in that area. I should also like to compliment the senators with legal backgrounds, and I think of Senators Joyal, Andreychuk, Nolin, Furey and others, who responded to the needs of our Aboriginal peoples. I have been here for twenty years now, and I have never seen such excellent consideration and cooperation.

I do, however, have a question for Senator Chalifoux. Does the honourable senator know how many Metis live on the land in the corridor to which she referred?

Senator Chalifoux: The number is estimated to be anywhere between 90,000 and 290,000. We have never been counted and any census never seems to produce adequate information.

Hon. Tommy Banks: Honourable senators, in respect of this bill, I have been misunderstood on a few comments I made, so I want to clarify on the record what I meant when I made my comments.

I so much admire what the committee has done, and I so much admire what Senator Joyal has said and the passionate way he said it. In committee, I expressed a reservation about the Aboriginal amendment, if I can call it that, to this bill. I have expressed it in other ways and elsewhere to Senators Chalifoux, Gill, Watt and Adams.

I want it to be clear on the record that I am in favour of this bill. No one in this place is more in favour of this bill than I. No one supports the protection of Aboriginal rights that are now contained in this bill more than I.

As I understand it, the Aboriginal amendment here has, as its purpose, and it is one with which I absolutely concur, the absolute protection for Aboriginals to practice their traditional hunting, fishing and gathering in the way that they have always done it, in the places in which they are entitled to do it, and that they are, by this amendment, exempted from a charge of cruelty when and where and if they do that.

This amendment begins with the words, "No person shall be convicted of an offence..." I support the intent of this amendment, which is to provide that absolute protection in those places where it is appropriate.

My reservation and concern about this amendment, which I will support, and I will support this bill, is that it does not just do what it sets out to do. It goes further than that and creates confusion. It says, no person shall be convicted of those activities who is one of the Aboriginal peoples of Canada, in any area in which Aboriginal peoples have harvesting rights under or by virtue of existing treaties.

Honourable senators, I have been taken to task on this, but I have done my homework, and I know that there are lands in Canada where the rights of hunting, fishing and gathering are reserved to certain particular Aboriginal peoples, to certain First Nations. These are not general Crown lands, but lands in which the rights of hunting, gathering and fishing are reserved to certain First Nations. This may be only a technicality, but the present wording of this amendment says that that is not so.

For example, a member of the Red Pheasant Reserve can travel to the Nisga'a reserve, and hunt on the lands in their traditional fashion, which have, I believe, unless I completely misunderstood, been reserved for that purpose to the Nisga'a people.

I think that a rational interpretation of this later on will not be a problem. I was concerned that perhaps we should fix this while we were dealing with the bill. It could have been done by the very simple expedient of replacing the words "Aboriginal peoples have" with the words "that person has."

I merely wanted to make it absolutely clear on the record that I support the thrust, intent and purpose of this amendment, and that I have never opposed it. I am anxious that we now get on with the business of passing this bill to increase the penalties for cruelty to animals.

Hon. Pat Carney: I should like to ask a question. Senator Banks' point applies particularly in British Columbia where specific rights and Aboriginal affairs are restricted to specific areas. Is there any response by the sponsor of the amendment to the concerns that Senator Banks raised?

Senator Banks: Yes, senator, there has been a response, and the response has been carefully considered by all members of committee and by those persons to whom I spoke about this matter. It is that it will be reasonably interpreted and understood what the intent of this amendment is, and that no one will construe it otherwise. My argument is more a matter of semantics, I suppose, than of substance. That has been the response.

• (1430)

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator LaPierre, that the bill, as amended, be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

An Honourable Senator: On division.

Motion agreed to and bill, as amended, read third time and passed, on division.

VISITORS IN THE GALLERY

The Hon. the Speaker: I should like to draw the attention of honourable senators to the presence in our gallery of His Excellency Dr. Mulatu Teshome, Speaker of the House of the Federation of the Federal Democratic Republic of Ethiopia. He is here with Ethiopia's ambassador to Canada and a delegation.

On behalf of all senators, welcome.

Hon. Senators: Hear, hear!

BUDGET IMPLEMENTATION BILL, 2003

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs (Leader of the Government) moved the second reading of Bill C-28, to implement certain provisions of the budget tabled in Parliament on February 18, 2003.

She said: Honourable senators, it is indeed an honour to present this bill this afternoon. As you know, the budget of 2003 marked many milestones and many major new commitments. Budget 2003 responds to Canadians in three arenas of national life. First, by building society's values, the budget makes investments in the needs of individual Canadians, their families and their

communities. Second, by building the Canadian economy that Canadians need, the budget is fiscally prudent, deficit free and promotes productivity, innovation and sustainable development. Third, by building the accountability Canadians deserve, the budget makes government spending more transparent and accountable.

It is clear that our government continues to uphold its commitment to sound fiscal management, and this commitment has led to five consecutive surpluses and resulted in a \$47-billion reduction in the federal debt. Sound financial management also made possible the government's tax reduction plan of \$100 billion. With sound fiscal management and strong growth, Canada led the G7 in GDP growth last year. We are also the only G7 country to have a surplus in 2002.

Honourable senators, economic success and fiscal discipline are only part of good government. They are means to the much more important end of building the society that Canadians value. No social policy is more vital to Canadians than our publicly funded health care system. The 2003 Accord on Health Care Renewal, agreed to by the Prime Minister and first ministers in February, responds to this request, and this budget is a reflection of that accord.

The 2003 health accord reflects a common commitment among governments to work together to improve access to the health care system, enhance accountability of how health care dollars are spent, and helps ensure that the system remains sustainable in the long term.

[Translation]

The measures contained in Bill C-28 guarantee funding for new investments under the health care accord, for reforms.

[English]

First, the budget provides a \$16-billion Health Reform Transfer to help in the priority areas identified by first ministers, namely primary health care, home care, and catastrophic drug coverage.

A second measure — an immediate \$2.5 billion supplement to the CHST — will help relieve existing pressures in the health care system. As well, the budget builds on the \$1 billion provided for medical equipment in 2000, with an additional investment of \$1.5 billion over three years. As a result of these investments, total annual cash transfers to the provinces and territories will now rise to \$26.1 billion in 2006-07, and \$27.7 billion in 2007-08.

First ministers also recognized that the sustained renewal of Canada's health care system required structural change as well as additional financing, and that is why it has been agreed to restructure the CHST into two separate transfers: A Canada Health Transfer and a Canada Social Transfer, effective April 1, 2004. At the same time, first ministers reaffirmed the importance of the equalization program in ensuring that all provinces have the ability to provide comparable levels of public services at comparable levels of taxation.

In terms of other health initiatives, first ministers identified electronic health records, which are an essential building block for a modern and more integrated health care system, as a priority concern, and this budget provides \$500 million to that initiative. Canada Health Infoway also receives an additional \$600 million to accelerate the development of EHRs and common information technology standards across the country.

Health research is another vital component of Canada's health care system. Again the budget responds. The Canadian Foundation for Innovation, which supports the modernization of research infrastructure in Canadian universities and colleges, research hospitals and other non-profit research institutions, will receive \$500 million. Genome Canada will receive \$75 million for applied health genomics. It also allocates funding for governance and accountability initiatives, including funding for the Canadian Institute for Health Information. There is also funding for a new Canadian patient safety institute, as well as to improve the timeliness of Health Canada's regulatory process with respect to human drugs.

All these investments will improve access to and, indeed, the quality of health care for Canadians. Working through the budget, and particularly through Bill C-28, we recognize that we have strengthened our long-standing commitment to Canadian children and families in several key areas. The most important of these for me, of course, is the new benefit that will be given to persons who choose to care for gravely ill or dying members of their family.

A new compassionate care benefit under the Employment Insurance program will come into effect on January 4, 2004, if we pass this particular bill. Eligible workers will be entitled to six weeks paid leave to provide that care. This will, I believe, make a fundamental social change in this country that will be central to the life of every Canadian. The welfare of their families is of paramount importance to Canadians.

The budget also responds by increasing annual assistance for children in low-income families, through the Canada Child Tax Benefit, to \$10 billion by 2007, with annual benefits increasing up to a maximum of \$3,243, or to \$3,495 for a child under the age of seven.

Beyond a stable fiscal and monetary climate, the key drivers of a stronger economy are those that allow Canada to improve its productivity performance. These include such factors as a tax system that encourages economic growth and job creation, and investments in new technologies and research. That is why this particular budget bill today does provide new opportunities to Canadians to gain new skills. The budget commits \$60 million over two years to improve the Canada Student Loans Program to put more money in the hands of students and better enable post-secondary graduates to manage their debt.

Canada's high-calibre workforce also deserves the support of a competitive tax system. That is why, in the 2000 budget, the government launched its \$100-billion Tax Reduction Plan. This plan continues in this particular budget bill.

To help sustain our economy, the budget further improves the tax system through incentives to save and invest, to help small and medium-sized businesses, and to boost Canadian competitiveness. Canadians can now be assured that the three pillars of their retirement system, the federally funded Old Age Security payments, the Canada Pension Plan, and tax-assisted retirement savings, are all on a sound footing.

The 12 per cent federal small business tax will be extended to business income between \$200,000 and \$300,000 over four years, and this will result in annual savings of up to \$9,000 for many local Canadian companies. The budget also eliminates the \$2 million limit on the amount of small business investment eligible for the capital gains rollover, and the budget reduces business costs and complexity by improving the tax treatment of benefits and expenses.

• (1440)

The five-year tax reduction plan also puts in place a tax advantage for business in Canada as a basic part of the strategy to attract investment and foster a strong, productive economy. This budget builds on that advantage by totally eliminating the federal capital tax over five years.

Bill C-28 implements other tax measures as well. For example, it confirms the increase in federal taxes on tobacco products, and it removes the 4-cent-per-litre federal excise tax on diesel fuel from bio-diesel fuel. It also provides authority for interested First Nations to levy a broadly based sales tax, consistent with the GST, on their lands.

Honourable senators, funds allocated in this bill include \$250 million to the Sustainable Development Technology Canada Foundation, \$50 million to the Canadian Foundation for Climate and Atmospheric Sciences to increase climate and atmospheric research activities, and \$20 million to Farm Credit Canada to support venture capital investment in the agricultural sector.

Again, the budget took action on issues that are also of concern to Canadians, such as accountability. We have seen in this past budget and through this bill that the Air Travellers Security Charge has been reduced from \$12 each way on domestic flights to \$7, a decrease of 40 per cent.

In addition, EI contribution rates have been cut by 12 cents to \$1.98 per \$100 of insurable earnings for 2004.

The new health accord also sets out an improved accountability framework that includes a commitment by all governments to report regularly to Canadians on how their tax dollars must be spent.

At the same time, the government is moving to improve the accountability of foundations to Canadians and parliamentarians. Unspent funds will now be returned to the government and not distributed amongst recipients who received the grants.

Finally, the budget terminates the Debt Servicing and Reduction Account. There is no longer any need for this account since those revenues must ultimately be deposited in the Consolidated Revenue Fund.

Honourable senators, Budget 2003 delivers a wide range of action while maintaining our commitment to prudent fiscal planning for balanced budgets. I believe the result is a better, more compassionate and competitive Canada, and I encourage all honourable senators to give quick passage to this bill.

On motion of Senator Stratton, for Senator Bolduc, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, would honourable senators consent to have all items on the Order Paper that have not yet been reached stand in the order in which they appear on the Order Paper?

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Anne C. Cools: Honourable senators, I should like to say for the record that a few moments ago a senator was speaking and needed a minute to finish a quotation. Leave was denied. I understand that today is very important for the Tories in that

tonight there will be a great celebration for Mr. Joe Clark. I admire and respect that, but I want the record to show that some of us do not believe in dirt in kind. I would be happy to give leave so that the Tories can leave early today to celebrate Mr. Joe Clark tonight and also to take part in their convention.

The Hon. the Speaker: Leave is granted, honourable senators. All remaining items will stand in their place until the next sitting.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 3, 2003, at 2 p.m.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 3, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 37th Parliament)
 Thursday, May 29, 2003

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|-------|-----------------|----------|-------|
| S-2 | An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. | 02/10/02 | 02/10/23 | Banking, Trade and Commerce | 02/10/24 | 0 | 02/10/30 | 02/12/12 | 24/02 |
| S-13 | An Act to amend the Statistics Act | 03/02/05 | 03/02/11 | Social Affairs, Science and Technology | 03/04/29 | 0 | 03/05/27 | | |

GOVERNMENT BILLS
(HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|---|-----------------|-----------------|---|----------|-------|-----------------|----------|-------|
| C-2 | An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon | 03/03/19 | 03/04/03 | Energy, the Environment and Natural Resources | 03/05/01 | 0 | 03/05/06 | 03/05/13 | 7/03 |
| C-3 | An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act | 03/02/26 | 03/03/25 | Banking, Trade and Commerce | 03/03/27 | 0 | 03/04/01 | 03/04/03 | 5/03 |
| C-4 | An Act to amend the Nuclear Safety and Control Act | 02/12/10 | 02/12/12 | Energy, the Environment and Natural Resources | 03/02/06 | 0 | 03/02/12 | 03/02/13 | 1/03 |
| C-5 | An Act respecting the protection of wildlife species at risk in Canada | 02/10/10 | 02/10/22 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/12 | 02/12/12 | 29/02 |
| C-6 | An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts | 03/03/19 | 03/04/02 | Aboriginal Peoples | | | | | |
| C-8 | An Act to protect human health and safety and the environment by regulating products used for the control of pests | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/12/10 | 0 | 02/12/12 | 02/12/12 | 28/02 |
| C-9 | An Act to amend the Canadian Environmental Assessment Act | 03/05/06 | 03/05/13 | Energy, the Environment and Natural Resources | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|---|-----------------|----------|-------|
| C-10 | An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act | 02/10/10 | 02/11/20 | Legal and Constitutional Affairs | 02/11/28 | Divided Message from Commons concurring with the division 03/05/07 | | | |
| C-10A | An Act to amend the Criminal Code (firearms) and the Firearms Act | - | - | Legal and Constitutional Affairs | 02/11/28 | 0 | 02/12/03 | 03/05/13 | 8/03 |
| C-10B | An Act to amend the Criminal Code (cruelty to animals) | - | - | Legal and Constitutional Affairs | 03/05/15 | 5 | 03/05/29 | | |
| C-11 | An Act to amend the Copyright Act | 02/10/10 | 02/10/30 | Social Affairs, Science and Technology | 02/12/05 | 0 | 02/12/09 | 02/12/12 | 26/02 |
| C-12 | An Act to promote physical activity and sport | 02/10/10 | 02/10/23 | Social Affairs, Science and Technology | 02/11/21 | 0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04 | 03/02/04 | 03/03/19 | 2/03 |
| C-14 | An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process | 02/11/19 | 02/11/26 | Energy, the Environment and Natural Resources | 02/12/04 | 0 | 02/12/05 | 02/12/12 | 25/02 |
| C-15 | An Act to amend the Lobbyists Registration Act | 03/03/19 | 03/04/03 | Rules, Procedures and the Rights of Parliament | 03/05/14 | 1 | 03/05/28 | | |
| C-21 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 02/12/05 | 02/12/10 | - | - | - | 02/12/11 | 02/12/12 | 27/02 |
| C-28 | An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003 | 03/05/27 | | | | | | | |
| C-29 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 | 03/03/25 | 03/03/26 | - | - | - | 03/03/27 | 03/03/27 | 3/03 |
| C-30 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 | 03/03/25 | 03/03/26 | - | - | - | 03/03/27 | 03/03/27 | 4/03 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|-------------------------------|----------|-------|-----------------|----------|-------|
| C-227 | An Act respecting a national day of remembrance of the Battle of Vimy Ridge | 03/02/25 | 03/03/26 | National Security and Defence | 03/04/02 | 0 | 03/04/03 | 03/04/03 | 6/03 |
| C-249 | An Act to amend the Competition Act | 03/05/13 | | | | | | | |
| C-300 | An Act to change the names of certain electoral districts | 02/11/19 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-3 | An Act to amend the National Anthem Act to include all Canadians (Sen. Poy) | 02/10/02 | | | | | | | |
| S-4 | An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton) | 02/10/02 | | | | | | | |
| S-5 | An Act respecting a National Acadian Day (Sen. Comeau) | 02/10/02 | 02/10/08 | Legal and Constitutional Affairs | | | | | |
| S-6 | An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella) | 02/10/03 | | | | | | | |
| S-7 | An Act to protect heritage lighthouses (Sen. Forrester) | 02/10/08 | 03/02/25 | Social Affairs, Science and Technology | | | | | |
| S-8 | An Act to amend the Broadcasting Act (Sen. Kinsella) | 02/10/09 | 02/10/24 | Transport and Communications | 03/03/20 | 0 | 03/04/02 | | |
| S-9 | An Act to honour Louis Riel and the Metis People (Sen. Chailifoux) | 02/10/23 | 03/05/06 | Legal and Constitutional Affairs | | | | | |
| S-10 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 02/10/31 | 03/02/25 | Energy, the Environment and Natural Resources | | | | | |
| S-11 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 02/12/10 | 03/05/07 | Official Languages | | | | | |
| S-12 | An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks) | 02/12/11 | 03/02/27 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella) | 03/02/11 | | | | | | | |
| S-15 | An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools) | 03/02/13 | | | | | | | |
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| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
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| S-18 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 03/04/02 | | | | | | | |
| S-20 | An Act to amend the Copyright Act (Sen. Day) | 03/05/15 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
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